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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC., MDL No. 2843  
CONSUMER USER PROFILE Case No.  
LITIGATION 18-md-02843-VC-JSC

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This document relates to:  
ALL ACTIONS  
-----

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ZOOM DEPOSITION OF FACEBOOK's 30(b)(6)  
CORPORATE REPRESENTATIVE - SIMON CROSS  
(Reported Remotely via Video & Web Videoconference)  
London, England (Deponent's location)  
Thursday, May 12, 2022  
Volume II

**REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**

STENOGRAPHICALLY REPORTED BY:  
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DEPOSITION OF SIMON CROSS, taken on  
behalf of the Plaintiffs, with the deponent located  
in London, England, commencing at  
2:36 p.m., Thursday, May 12, 2022, remotely  
reported via Video & Web videoconference before  
REBECCA L. ROMANO, a Certified Shorthand Reporter,  
Certified Court Reporter, Registered Professional  
Reporter.

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## I N D E X

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## DESCRIPTION

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Criteria Review,

FB-CA-MDL-02951293 -

FB-CA-MDL-02951294;

Exhibit 339	PowerPoint Presentation -	361
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facebook Criteria for

granting Exemptions and

Extensions Drat 12/5/13

Monica Mosseri,

FB-CA-MDL-02951295;

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5		Criteria for granting	
6		Exemptions and Extensions	
7		Draft 12/5/13 Monica Mosseri,	
8		META-CA-MDL-000041190 -	
9		META-CA-MDL-0000412003;	
10			
11	Exhibit 341	Deprecated f8 2014	393
12		Partnerships/Ops XFN,	
13		FB-CA-MDL-02978561 -	
14		FB-CA-MDL-02978571;	
15			
16	Exhibit 342	Email dated January 27, 2014	433
17		Subject: platform model	
18		changes, FB-CA-MDL-00202269;	
19			
20	Exhibit 343	Email String Subject:	472
21		Changing App Settings//Friend	
22		Permissions,	
23		FB-CA-MDL-01462921 -	
24		FB-CA-MDL-01462921;	
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1	E X H I B I T S (cont'd)		
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4	Exhibit 344	Email String Subject: [a/c	483
5		priv Re: WSJ story on API	
6		migration, FB-CA-MDL-01169155	
7		- FB-CA-MDL-01169173;	
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10	PREVIOUSLY MARKED EXHIBITS		
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16	Exhibit 7		256
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1 London, England; May 12, 2022

2 2:36 p.m.

3 ---o0o---

4 THE VIDEOGRAPHER: Okay. We're on the

5 record. It's 2:36 p.m., the time in London, on 02:36:47

6 May 12th, 2022. This is the deposition of

7 Simon Cross, Volume II.

8 We're here in the matter of In Re:

9 Facebook, Inc. Consumer Privacy User Profile

10 Litigation. 02:37:00

11 I'm John Macdonell, the videographer with

12 Veritext. Before the reporter swears the witness,

13 would counsel please identify themselves, beginning

14 with the noticing attorney, please.

15 MR. LOESER: Good morning. This is 02:37:16

16 Derek Loeser from Keller Rohrback, and with me is

17 Adele Daniel and Cari Laufenberg, also from

18 Keller Rohrback.

19 MR. BLUME: Rob Blume with Gibson Dunn on

20 behalf of Facebook. And with me is Ian Chen, 02:37:28

21 client representative, as well, as Phuntso Wangdra,

22 Hannah Regan-Smith, Colin Davis. And I believe

23 that's all at the moment.

24 SPECIAL MASTER GARRIE: And you have

25 Special Master Garrie as a representative of the 02:37:45

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1 court. 02:37:47

2 Good morning, Counsel Chen. Good

3 morning, Counsel Davis.

4 It's been a while since I've seen you,

5 Counsel Davis. 02:37:53

6 I will turn it over to the parties

7 without further adieu.

8 THE COURT REPORTER: At this time, I will

9 ask counsel to agree on the record that there is no

10 objection to this deposition officer administering 02:38:01

11 a binding oath to the deponent via remote

12 videoconference, starting with the noticing

13 attorney, please.

14 MR. LOESER: No objection. Thank you.

15 MR. BLUME: No objection from Facebook. 02:38:18

16 THE COURT REPORTER: Mr. Cross, if you

17 could raise your right hand for me, please.

18 THE DEPONENT: (Complies.)

19 THE COURT REPORTER: You do solemnly

20 state, under penalty of perjury, that the testimony 02:38:19

21 you are about to give in this deposition shall be

22 the truth, the whole truth and nothing but the

23 truth?

24 THE DEPONENT: I do.

25 ///// 02:38:35

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1 reviewed as many of them as I could. 02:39:26

2 Q. Okay. And that's the same set that -- I  
3 didn't send any new ones so those are the same  
4 documents that -- that were provided in advance of  
5 your testimony on Monday. 02:39:36

6 So had you seen -- your review this time,  
7 was that the first time you had seen some of those  
8 documents?

9 A. I think so, yeah. Maybe I'll ask my --  
10 my counsel to -- to confirm. 02:39:48

11 MR. BLUME: Yeah. And -- and this is --  
12 this is Mr. Blume.

13 I actually think you did send an  
14 additional set over, but we can check that.

15 MR. LOESER: Okay. Well, we can talk 02:40:00  
16 about that later because if we did; it's news to  
17 us. But that's okay, we'll figure that out.

18 Q. (By Mr. Loeser) All right. Mr. Cross,  
19 you'll recall on Monday we spent a good deal of  
20 time with my questions about the reason Facebook 02:40:17  
21 decided to whitelist certain apps from partners so  
22 that those partners would be able to access  
23 publicly deprecated permissions after Graph API  
24 version 2 became operative.

25 Do you -- do you recall those questions 02:40:30

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1 and -- and your testimony? 02:40:31

2 A. I recall the discussion, generally.

3 Q. And you recall that -- that I  
4 specifically asked about friend permissions, right?

5 A. We had a number of discussions about 02:40:42  
6 friend permissions, yes.

7 Q. And I asked you to tell me all the  
8 reasons that Facebook decided to allow certain apps  
9 and partners to have access to friend permissions  
10 after the transition to Graph API version 2, right? 02:40:51

11 Do you recall that?

12 A. I recall a question of that nature.

13 Q. Okay. And you recall that you answered  
14 that question?

15 A. I recall answering a question of that 02:41:02  
16 nature.

17 Q. And at the end of the day -- and this --  
18 and this is why I'm bringing this up -- you said  
19 something -- and I just wanted to read to you what  
20 you said and make sure I understand your testimony. 02:41:11

21 You explained that -- and I'm going to  
22 quote here for -- for a minute.

23 "As I say, there are a number of  
24 developers also whitelisted for continued access to  
25 version 1 because of their use of other -- because 02:41:24

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1 of their -- because of them being affected by other 02:41:27  
2 changes in the API between version 1 and  
3 version 2."

4 Do you recall that testimony?

5 A. That sounds reasonable, yes. 02:41:36

6 Q. And -- and before moving on, I just want  
7 to make sure I -- I understand what you meant by  
8 that. So I'll give it a try and you can tell me if  
9 I've got it right.

10 Some apps and partners were given 02:41:48  
11 whitelist access to friend permissions. And we  
12 talked about the reasons for that. And others were  
13 given whitelist access to other permissions that  
14 were being deprecated, right?

15 A. Not necessarily other permissions that 02:42:02  
16 were being deprecated.

17 Q. Okay. Explain -- explain what -- what  
18 you mean there.

19 A. There were some other features of  
20 Graph API version 2, where API version 2 differed 02:42:17  
21 from version 1.

22 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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24. [REDACTED]

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Q. And was misuse of information, based upon

the aggregation of user IDs, a problem that

Facebook had identified with Graph API version 1?

02:45:38

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1 A. One of the -- 02:45:45

2 MR. BLUME: Sorry. I missed my mute  
3 button.

4 I just object to scope.

5 THE DEPONENT: Yeah, I'm not aware of 02:45:56  
6 exactly what the -- the company's position on that  
7 is.

8 From a personal capacity, I recall that  
9 the aggregation of user data or cross-applications  
10 being a concern that was raised at the time. 02:46:12

11 Q. (By Mr. Loeser) One last thing to make  
12 clear from your testimony on Monday.

13 I asked you -- and we had a obviously  
14 lengthy discussion about whitelisting as a means of  
15 providing access to publicly deprecated 02:46:26  
16 permissions, right?

17 A. We had a conversation about permissions  
18 for sure.

19 Q. And you'll also recall that I asked you  
20 about private APIs with partners. 02:46:35

21 Do you recall that?

22 A. We had a number of discussions about  
23 private APIs.

24 Q. Okay. And private APIs are APIs that are  
25 made available to certain partners, but are not 02:46:46

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1 publicly available; is that right? 02:46:49

2 A. I think a reasonable description of a  
3 private API is an API that's not available to -- to  
4 all developers and only available to some.

5 Q. And -- and some of the partners -- some 02:47:01  
6 of Facebook's partners, prior to the transition to  
7 Graph API version 2, already had private APIs with  
8 Facebook; is that right?

9 A. There are a number of partners that had  
10 built experiences that would only be possible if 02:47:18  
11 they had been granted access to -- to private APIs.

12 Q. So your answer is "yes"?

13 A. I -- I think it's -- there -- there were  
14 entities -- third parties that had built  
15 applications that re- -- would -- would have 02:47:39  
16 required access to private APIs.

17 Q. And -- and I don't mean to belabor the  
18 point, but I'm trying to get to a "yes."

19 So I think you just answered  
20 affirmatively. Am I interpreting your question -- 02:47:48  
21 your answer correctly?

22 A. Ask your question again so I can make  
23 sure I am like -- I want to make sure I -- I --  
24 I -- when I give a yes, I want to make sure I fully  
25 agree with what you're -- you're asking me about. 02:48:00

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1 Q. Sure. 02:48:02

2 I asked you, some of Facebook's partners,  
3 prior to the transition to Graph API version 2,  
4 already had private APIs with Facebook; is that  
5 right? 02:48:12

6 A. That's right.

7 Q. However, some partners that entered into  
8 or were provided access to private APIs, after the  
9 transition to Graph API version 2, did not  
10 previously have access to private APIs, right? 02:48:24

11 MR. BLUME: Objection. Scope.

12 THE DEPONENT: Yeah. I -- I'm not sure  
13 I -- how -- how to answer that -- how to answer  
14 that question.

15 It's unclear as to the exact form of 02:48:39  
16 scope you mean.

17 Can you -- can you ask it again so I can  
18 try and understand.

19 Q. (By Mr. Loeser) Sure. Sure.

20 I'm just trying to understand how private 02:48:51  
21 APIs were used.

22 So you had some partners that already had  
23 them before the transition. And you had some  
24 partners that, for the first time with the  
25 transition, were provided access to private APIs, 02:48:59

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1 right? 02:49:03

2 A. One of the challenges in answering the --

3 the question is that part of the transition from

4 version 1 to version 2 is when something is

5 publicly deprecated it becomes -- you might 02:49:16

6 consider that to be a private API.

7 And in order to continue accessing --

8 accessing that feature for some time, they would be

9 added to a whitelist that would give them access to

10 what would then be considered a private API. 02:49:36

11 Q. Okay. And that's exactly what I'm trying

12 to make sure the record is clear on.

13 So there were some partners that had

14 access to friend permissions, for example, under a

15 Graph API version 1 through the -- the permissions 02:49:51

16 that were publicly available, right?

17 A. That's correct.

18 Q. And then in the transition, those

19 publicly available -- publicly available

20 permissions were deprecated. And in order for them 02:50:02

21 to continue having access to friend permissions,

22 they were able to obtain that access through --

23 through private APIs after the transition; is that

24 right?

25 A. To be -- to be clear, there's a 02:50:19

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1 difference between private API and permissions 02:50:21

2 different -- slightly different concepts.

3 So in -- in the case that if an app

4 wanted to continue to have access to a permission

5 that had been publicly deprecated from -- or 02:50:39

6 publicly removed from most other applications in

7 order to continue accessing data under that

8 permission or requesting that permission from

9 users, after some time it would have had to be on

10 the whitelist. 02:50:58

11 Q. Okay. And so when you use the phrase

12 "whitelist," now, you're -- you're -- you're

13 referring to whitelist via a private API as well,

14 right?

15 A. No. I'm referring in this case in -- in 02:51:10

16 my definition of whitelisting -- my use of

17 whitelisting in this case refers to an application

18 being added to a whitelist in the form of a

19 capability or some other internal gating system.

20 Q. Okay. So if you were going to create a 02:51:28

21 list of all of the partners -- Facebook partners

22 that had private APIs, would you consider all of

23 the partners who obtained access to publicly

24 deprecated permissions as having been whitelisted?

25 A. In order to access publicly deprecated 02:51:52

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1 APIs or permissions, once they had been publicly 02:51:55  
2 deprecated, a developer would need to be on a  
3 whitelist.

4 Q. And -- and I don't want you to repeat  
5 your earlier testimony. I just want you to confirm 02:52:10  
6 that you have told me all the reasons that Facebook  
7 decided to allow certain partners to obtain friend  
8 data after the transition to Graph API version 2,  
9 via private APIs.

10 A. Sorry. Can you just repeat the question 02:52:24  
11 again.

12 Q. Sure.  
13 I just want to make sure the record's  
14 clear. I asked you a lot of questions about the  
15 reasons why Facebook decided to continue allowing 02:52:30  
16 access to deprecated permissions, including friend  
17 sharing.

18 And -- and now we've established that one  
19 of the ways that partners obtained access to  
20 previously publicly available permissions was 02:52:45  
21 through private APIs, right?

22 A. No. The way that the developers'  
23 applications would have retained access to  
24 previously publicly available permissions would  
25 have been to be on a whitelist. 02:53:03

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1 Q. Okay. And those -- and some of those 02:53:05  
2 partners obtained those permissions via private  
3 APIs, right?

4 A. Developers obtained permissions from  
5 users. Users get the ability to grant permissions 02:53:16  
6 to an app.

7 Q. Right.  
8 Well, frequently Facebook refers to  
9 permissions as the -- the access to certain types  
10 of information made available by Facebook to third 02:53:28  
11 parties, right?

12 A. The way permissions were --  
13 (Simultaneously speaking.)

14 Q. (By Mr. Loeser) The friend permissions.  
15 Yeah, I understand, but... 02:53:37

16 A. So friend permi- -- permissions are a  
17 concept in the Facebook developer platform. And  
18 the way that permissions work is that users grant  
19 those permissions to applications. Face- --  
20 Facebook does not grant those permissions to 02:53:48  
21 applications on a user basis. Users grant those  
22 permissions.

23 Q. Facebook makes available -- it's up to  
24 Facebook what APIs are available to third parties,  
25 right? 02:54:00

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1 Before the third party can ask for the 02:54:00  
2 permission from the user, Facebook decides what  
3 APIs are potentially available to the developer,  
4 right?

5 A. Facebook builds the -- the discussion in 02:54:11  
6 this matter is that Facebook developer platform is  
7 built by Facebook and, therefore, Facebook would  
8 decide how that platform functioned.

9 Q. Okay. And, again, I'm just trying to  
10 make sure the record is complete on the reasons why 02:54:23  
11 Facebook provided access to publicly deprecated  
12 permissions to partners.

13 You understand that, right?

14 A. I understand.

15 Q. And we're having a struggle -- sorry. 02:54:34  
16 Go ahead.

17 A. No, go.

18 Q. We're having a bit of a struggle over how  
19 to properly use the phrase "private APIs" in a  
20 sentence. And -- and I just want to make sure that 02:54:44  
21 with respect to private APIs, you have told me all  
22 the reasons why a private API would be made  
23 available to any Facebook partner in the  
24 transition.

25 A. I'm not -- the -- the question -- the -- 02:55:05

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1 my recollection of the question you asked me 02:55:08  
2 previously was around the reasons for apps to  
3 access the friend permissions after the friend  
4 permissions had been deprecated publicly.

5 And my understanding, having read many 02:55:23  
6 documents on this topic and spoken to the people  
7 involved at the time, and my own recollection, is  
8 that nobody has been able to explain to me any  
9 other reason why an app would have been given an  
10 extension to request a friend permissions. 02:55:46

11 Q. Just for a minute I'm -- I'm going to  
12 look at your notes. And, again, your -- your  
13 counsel provided us with the notes that you  
14 prepared and they've been marked as an exhibit.

15 Did you personally draft these notes? 02:56:08

16 A. Which exhibit are we referring to  
17 specifically?

18 Q. Exhibit 335.

19 A. Yeah, I personally drafted these notes.

20 Q. And one of the topics in your notes, on 02:56:30  
21 the first page you have "Evolution of platform  
22 timeline."

23 Do you see that?

24 A. I see that.

25 Q. And you refer to -- you have a bullet for 02:56:53

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1 "Granular permissions." 02:56:54

2 Do you see that?

3 A. I do see that.

4 Q. And so according to your notes, these

5 granular permissions started in 2010, correct? 02:57:01

6 A. That's my understanding of when the

7 granular permissions were launched.

8 Q. And so before granular permissions, did

9 app users -- or did apps get access to friend data

10 without needing to obtain authorization from the 02:57:17

11 user via the granular permissions?

12 A. The way the original authentication model

13 worked was that a user still had to make a decision

14 to grant an app access to their information. But

15 after doing so, the app had access to many of the 02:57:43

16 things that the Facebook user could have seen on

17 Facebook which may have included friends

18 information.

19 Q. Okay. And so what granular permissions

20 introduced was the requirement that the -- that the 02:57:58

21 app request express permission for the different

22 types of data that the app could access from the

23 user, including friend data, right?

24 A. Granular permissions was -- was seen as a

25 significant step forward in privacy by requiring 02:58:15

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1 developers to specify which subset of a user's 02:58:20  
2 Facebook information the user would grant to the  
3 application.

4 Q. Okay. And, again, so the record is  
5 clear, prior to the introduction of granular 02:58:33  
6 permissions, apps did not have to ask users for  
7 express permission to access friend data, correct?

8 A. Apps had to access -- ask users for  
9 express permission to access any of the user or  
10 their friends' information. 02:58:51

11 So I want to be super clear. That is  
12 always and always was a user opt-in step.

13 Q. However, prior to granular permissions,  
14 there was not a requirement for the app to ask  
15 expressly for permissions to access friend data, in 02:59:05  
16 particular, right?

17 A. There was not a permission model in place  
18 at that time that required an app developer to  
19 explicitly request access to friend data.

20 [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

25 Can you -- did I read that correctly? 02:59:40

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2 Q. Okay. Can you explain what that means?

\_\_\_\_\_

**(c) [REDACTED]**

[illegible]

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Country	Year	Value
China	2010	1.00
China	2011	1.00
China	2012	1.00
China	2013	1.00
China	2014	1.00
China	2015	1.00
China	2016	1.00
China	2017	1.00
China	2018	1.00
China	2019	1.00
China	2020	1.00
China	2021	1.00
China	2022	1.00
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2011	10	0.0	0.0 (0.0-0.0)
2012	10	0.0	0.0 (0.0-0.0)
2013	10	0.0	0.0 (0.0-0.0)
2014	10	0.0	0.0 (0.0-0.0)
2015	10	0.0	0.0 (0.0-0.0)
2016	10	0.0	0.0 (0.0-0.0)
2017	10	0.0	0.0 (0.0-0.0)
2018	10	0.0	0.0 (0.0-0.0)
2019	10	0.0	0.0 (0.0-0.0)
2020	10	0.0	0.0 (0.0-0.0)
2021	10	0.0	0.0 (0.0-0.0)
2022	10	0.0	0.0 (0.0-0.0)
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2065	10	0.0	0.0 (0.0-0.0)
2066	10	0.0	0.0 (0.0-0.0)
2067	10	0.0	0.0 (0.0-0.0)
2068	10	0.0	0.0 (0.0-0.0)
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2075	10	0.0	0.0 (0.0-0.0)
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2081	10	0.0	0.0 (0.0-0.0)
2082	10	0.0	0.0 (0.0-0.0)
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2084	10	0.0	0.0 (0.0-0.0)
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Q. Okay. Understood.

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And so are there -- is there variation,  
depending upon what specific permission is being  
requested?

15

16

A. I haven't prepared a company response to  
that.

03:02:18

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19

20

From a personal recollection level, I can  
recall seeing analysis that analyzed conversion  
rate by permission, based on different types of  
permission.

03:02:37

21

22

23

Q. And have you seen an analysis of the  
conversion rate when the permission being requested  
is friend permission?

24

25

A. Again, on -- on a personal capacity, I --  
I don't recall the details of -- of what that

03:02:50

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1 analysis was. I wouldn't want to speculate what it 03:02:56  
2 is from my memory. Like that -- that would have  
3 been a document that I haven't seen for many years.

4 Q. And -- and does Facebook believe that,  
5 depending upon on how the permission is phrased, 03:03:07  
6 meaning what words are used, the conversion rate  
7 would be affected?

8 MR. BLUME: Objection. Scope.

9 THE DEPONENT: I haven't prepared a -- a  
10 company answer on that. And I -- I haven't 03:03:23  
11 reviewed documents that -- in preparation for this  
12 that would allow me -- allow me to answer that  
13 question on behalf of the company.

14 Again, on a -- on a personal level, I  
15 can't -- I can't recall analysis about the -- 03:03:39  
16 the -- the wording or the framing of the -- the  
17 permissions in the dialogue.

18 So I -- I don't -- I don't recall seeing  
19 analysis like that. It's possible it was done, but  
20 I -- I wouldn't want to confirm something I don't 03:03:58  
21 recall specifically.

22 Q. (By Mr. Loeser) Now, just the last  
23 question on your notes here.

24 If you turn to the next page, there's a  
25 heading "Wind-down timeline." 03:04:13

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1 And can you read the second bullet that 03:04:17  
2 you have under that heading?

3 A. "There was an effort from Oct 2019 to  
4 Jan 2020 to ensure all access was removed for  
5 integrated partners and other 03:04:31  
6 previously-whitelisted apps."

7 Q. And -- and what was the -- what prompted  
8 this effort?

9 A. I actually think I might be -- I may have  
10 been confused when I -- when I wrote this. 03:04:48

11 I -- I don't -- I -- I don't think there  
12 was an effort from October 29 [sic] to January 2020  
13 to ensure all access was removed for integration  
14 partners and other previously whitelisted apps.

15 So I think I -- I was mistaken with this 03:05:03  
16 bullet.

17 Q. And are you mistaken -- mistaken about  
18 the time frame or you believe there never was an  
19 effort to remove -- to remove access for  
20 integration partners and previously whitelisted 03:05:18  
21 apps?

22 A. There was an effort to ensure all access  
23 was removed for integration partners and other  
24 previously whitelisted apps. My understanding is  
25 that process happened in 2018. 03:05:31

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1 Q. And when did that process complete? 03:05:35

2 A. The -- the -- I think -- my understanding

3 is that the -- the majority of that process --

4 the -- the bulk of that process completed in

5 June 2018. 03:05:51

6 Q. And was there some part of that process

7 that continued after that?

8 A. There's a developer blog post on July --

9 in July 2019, which refers to another few

10 applications that were later discovered and then 03:06:15

11 removed.

12 Q. So you educated yourself on this topic

13 through a publicly available developer's post; is

14 that what you're saying?

15 A. That's one of the ways I educated 03:06:30

16 yourself.

17 Q. Okay. And there were other ways as well,

18 right?

19 A. As we discussed, I have spoken to many of

20 the people involved at the time and -- and read 03:06:38

21 many internal documents on the matter.

22 MR. LOESER: Okay. And -- all right.

23 Well, we can move on. Thank you for that. And --

24 and start going through some more exhibits.

25 /////

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1 MR. LOESER: We're going to put up what 03:06:55  
2 has been previously marked as Exhibit 5. It's tab  
3 11 in our binder, Mr. Cross.

4 Q. (By Mr. Loeser) Let me know when you see  
5 the document. 03:07:42

6 A. Would you mind -- I can see the document,  
7 but it's -- it's very small.

8 Would you -- would you -- would you mind  
9 blowing it up.

10 (Discussion off the stenographic record.) 03:08:01

11 MR. LOESER: Okay.

12 THE DEPONENT: Thank you, Adele.

13 Q. (By Mr. Loeser) You should be looking at  
14 what's previously been marked as Exhibit 5, which  
15 is an email -- I'm not going to try and say this 03:08:14  
16 name -- let's just -- can you say that name of the  
17 author?

18 A. Constantin Koukouzelis.

19 Q. Okay. We'll call him CK. Not to be  
20 confused with -- with KP, if that's okay with you. 03:08:26

21 A. That's fine with me.

22 Q. Is that okay?

23 Okay. And this is an email from CK to  
24 Vishu Gupta and Doug Purdy, George Lee,  
25 Vladimir Fedorov, and the subject is "Re: platform 03:08:41

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1 Chang deposition, but I don't think that has 03:10:32

2 anything to do with how they're being marked.

3 MR. BLUME: Okay. And so it will go in

4 as the same exhibit number here.

5 MR. LOESER: Right. 03:10:42

6 Q. (By Mr. Loeser) So Mr. Cross, can you

7 see Exhibit 6 yet?

8 A. Not yet.

9 Q. And while we're waiting for that to load,

10 you're not communicating with anyone via text or 03:11:04

11 email, or anything, during the course of this

12 deposition, are you?

13 A. I am not.

14 Q. Okay. Thank you.

15 All right. So now do you see Exhibit 6? 03:11:17

16 A. I do.

17 Q. And this -- does this appear to be a Word

18 document with the heading "Platform 3.0"?

19 A. It does.

20 Q. Okay. And I'll just state for the 03:11:26

21 record, this is the document that was attached to

22 the prior exhibit email that we identified.

23 And what is platform 3.0?

24 A. Platform 3.0 refers -- is one of the

25 internal working titles for the set of changes that 03:11:47

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1 Q. And -- and Mr. Cross, is that an accurate 03:12:56  
2 statement of the reasons for the introduction of  
3 platform 3.0?

4 A. This is a document, as I understand it,  
5 prepared nearly -- nearly nine months before the 03:13:09  
6 changes were ultimately announced. I don't think  
7 I -- it's appropriate to confirm that this is an  
8 accurate representation of the reasons.

9 Q. Okay. And was it Facebook's position  
10 and -- well, let me read one part of this and you 03:13:36  
11 tell me if this is, in fact, what Facebook's  
12 motivation was.

13 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

21 Do you know what that refers to and how  
22 the changes provided that control?

23 A. My understanding --

24 MR. BLUME: Where -- I'm sorry. Is  
25 that -- I'm not seeing that on my screen, what 03:14:14

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1 that heading, for the record.

03:15:46

2 And I'll note so -- so the court reporter  
3 doesn't even have to, that you are going to now be  
4 reading a paragraph that is in this presentation  
5 prepared by Facebook.

03:15:55

6 A. Thank you.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

[REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

[REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

[REDACTED]

21 Q. Thank you.

22 So based upon this explanation, fair to  
23 say that the idea behind removing friend  
24 permissions was to make sure that users are

25 [REDACTED]

[REDACTED]

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[REDACTED]

A. That was one of the -- that was seen at the time to be one of the -- the reasons for deprecating the friend permissions, yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A. I think it's important to remind ourselves of the context of this document.

03:17:22

This document is being written by a product manager as a -- in my understanding, a potential narrative to explain some of the changes, which at that time were being proposed.

Q. And, sir, as we saw in this document, was it not the case that Facebook decided that users should not be able to act as a proxy to access personal information about friends that have not expressed an intent in using the app?

03:17:50

A. This is not Facebook's language. This is language written by a product manager on the team, who was involved in preparing and planning these changes.

03:18:05

Q. So are you saying that this product manager was intending to misrepresent the reason

03:18:21

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1 for the changes? 03:18:23

2 THE COURT REPORTER: Wait, Mr. Blume. I  
3 didn't hear you.

4 MR. BLUME: Sorry. Objection to form.

5 THE DEPONENT: I'm not suggesting that 03:18:33

6 this product manager was -- was misrepresenting  
7 Facebook's opinion, just that this represents a --  
8 the view, as held by that product's manager at the  
9 time, as they wrote this document.

10 Q. (By Mr. Loeser) And did Facebook have a 03:18:50  
11 different view?

12 MR. BLUME: Objection. Scope.

13 THE DEPONENT: It's hard for me to --  
14 yeah -- answer that, like does Facebook -- yeah, at  
15 the Facebook level. 03:19:05

16 My personal understanding is that this is  
17 broadly aligned with the direction as evidenced by  
18 the friend permissions being deprecated some nine  
19 months later.

20 Q. (By Mr. Loeser) Okay. And so the way to 03:19:20  
21 stop users from -- from providing access to their  
22 friend's personal information to apps the friends  
23 did not want to share was to deprecate friend  
24 permissions, right?

25 A. It was seen that deprecating the friend 03:19:34

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5	Q. Okay. If we can move down to the heading	03:20:00
6	on the next page that says "Deprecate read_stream	
7	permissions."	

Horizontal bar chart showing the percentage of respondents who believe the U.S. should take action to reduce greenhouse gas emissions. The chart displays 11 bars, each representing a different group of respondents. The x-axis represents the percentage of respondents, ranging from 0% to 100%.

Group	Percentage of respondents who believe the U.S. should take action to reduce greenhouse gas emissions
1	11%
2	89%
3	11%
4	89%
5	11%
6	89%
7	11%
8	89%
9	11%
10	89%
11	11%

24 Q. And we talked a bit about read stream

25 permission, but -- but -- so the record is clear, 03:20:59

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1 what -- what is read stream permission? 03:21:02

2 A. The read stream permission allowed --  
3 when a user granted it to an application, allowed  
4 an app to read that user's newsfeed.

5 Q. And this states that this is an 03:21:24

6

■

8 Does Facebook agree with that statement?

9 MR. BLUME: Objection. Scope.

10 THE DEPONENT: I don't -- I don't feel 03:21:38

11 qualified to -- to give Facebook's position on it.

12 My personal view is that it was an API

13 that allowed apps -- apps to access a user's

14 friends information, the posts and comments -- the

15 posts on their newsfeed and -- and that was 03:21:59

16 considered similarly to the friend permissions we

17 discussed above.

18 Q. (By Mr. Loeser) And so in the transition

19 to platform 3.0, the decision was made by Facebook

20 to deprecate read permissions as well, right? 03:22:19

21 A. My understanding is that the read stream  
22 permission was not deprecated in version 2, and it  
23 was instead gated by app review.

24 Q. And that means that when an app wanted to

25 access the read stream permission, they asked 03:22:43

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1 Facebook if they could have access to that 03:22:47  
2 permission?

3 A. The way app review worked was developers  
4 had to request permission from Facebook to request  
5 the permission from users. 03:22:59

6 Q. And how does that provide the user with  
7 information on how the read stream permission data  
8 is used?

9 MR. BLUME: Objection. Scope.

10 THE DEPONENT: Sorry. Yeah. I'm not 03:23:15  
11 sure how to -- how to answer that question.

12 How -- how does what provide the  
13 information to the user?

14 Q. (By Mr. Loeser) Well, that -- the

15 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

19 MR. BLUME: Objection. Beyond the scope.

20 THE DEPONENT: I think -- again, like 03:23:40  
21 what we're reading here is a product manager's view  
22 at a time. And Facebook's ultimate decision was  
23 that the read stream would remain available behind  
24 app review and the experience of granting read  
25 stream in an application would remain unchanged. 03:24:03

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1 Q. (By Mr. Loeser) Okay. So when this 03:24:06

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MR. BLUME: Objection. Form. And scope.

8

THE DEPONENT: Yeah. Not with a -- a

9

gatekeeper, if we're referring to the specific

10

internal tool.

03:24:34

11

I got to go back to what my -- my

12

understanding of what was ultimately launched in

13

April 2014, is that permission remained technically

14

publicly available but was gated behind app review.

15

That's -- that's -- that's my

03:24:55

16

understanding from -- as what happened.

17

In a personal capacity, my understanding

18

is that -- actually, I -- I don't want to

19

speculate. Because like I -- I'm not -- I -- yeah,

20

I don't want to speculate as to exactly how that

03:25:12

21

permission was subsequently granted to

22

applications.

23

Q. (By Mr. Loeser) Okay. So even though

24

25

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2

the decision to continue to allow use by the

3

developers of read stream permission, correct?

4

A. No. First of all, it's a product manager

5

writing this, not -- not a developer. It's

03:25:44

6

important to clarify.

7

And my -- my point is that the -- the

8

permission remained publicly available as it was

9

documented on the developer website in version 2,

10

but only approved applications could request that

03:25:58

11

permission from users.

12

Q. And the product manager that wrote this

13

memo, according to the cover email, is CK, right?

14

A. Constantin Koukouzelis, yes. CK.

15

Q. And is Constantin -- sorry.

03:26:20

16

Is Constantin still employed by Facebook?

17

A. I do not know if Constantin is still

18

employed by Facebook.

19

MR. LOESER: Okay. We can go to the next

20

exhibit, which has previously been marked

03:26:44

21

Exhibit 7.

22

THE DEPONENT: Actually, I want -- while

23

we're there, I do want to add something.

24

My understanding is that the read stream

25

permission was then deprecated in a subsequent

03:27:05

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1 version of the Graph API after version 2. 03:27:10

2 Q. (By Mr. Loeser) And -- and when did that  
3 occur, Mr. Cross?

4 A. I don't have the date at hand. But it  
5 would have been publicly documented on the Facebook 03:27:26  
6 developer website.

7 Q. And is that something that just came to  
8 your mind, or did you -- did you just read  
9 something?

10 How did you recall that? 03:27:35

11 A. I recalled it as we were talking. You  
12 didn't ask me specifically about what happened next  
13 with read stream. So I didn't consider it in my  
14 answers at the time.

15 But on balance, I think important to note 03:27:51  
16 that that permission was removed very soon after  
17 the launch of API version 2.

18 Q. And -- and why did Facebook remove that  
19 permission?

20 A. My understanding is that very few apps, 03:28:09  
21 if any, had met the criteria to be granted it.

22 Q. And -- and why would that be?

23 MR. BLUME: Objection. Scope.

24 THE DEPONENT: I can't specify exactly  
25 why no applications met the criteria. 03:28:33

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1 Q. (By Mr. Loeser) And Mr. Cross, didn't 03:28:45  
2 user posts and user photos provide similar  
3 information as read stream?  
4 A. No.  
5 Q. And why not? 03:29:00  
6 MR. BLUME: Objection. Scope.  
7 THE DEPONENT: Why not or how not?  
8 Sorry, Rob, go -- I didn't hear your  
9 objection.  
10 MR. BLUME: Scope objection. 03:29:11  
11 Q. (By Mr. Loeser) Yeah. How -- how not is  
12 a better question.  
13 Thank you for posing it.  
14 A. The user -- I think the -- the two ones  
15 you gave were user photos and user likes; is that 03:29:22  
16 right?  
17 Q. User posts.  
18 A. User posts.  
19 User posts and user likes allowed an app,  
20 with permission, to access the authenticating 03:29:30  
21 user's likes and their posts.  
22 Read stream allowed an application, if  
23 granted, to access the authenticating user's  
24 newsfeed, which is typically made up of posts,  
25 videos, photos, et cetera, made by that user's 03:29:52

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1 friends or pages they have liked. 03:29:58

2 Q. Okay. So back to our exhibit,  
3 Exhibit 7 -- previously marked Exhibit 7.

4 Do you see that in front of you?

5 A. I do. 03:30:12

6 Q. And for the record, this is an email from  
7 KP to Ime Archibong, Jackie Chang, with cc to  
8 Chris Daniels and to yourself.

9 "Subject: Re: T0/Special Cases for P3  
10 consideration," and attachment is noted, "All apps 03:30:30  
11 with friend permissions.xlsx."

12 Do you see that?

13 A. I do see that.

14 Q. This is a string that goes on for a  
15 couple of pages. 03:30:43

16 And why don't you take a minute just  
17 to -- to review it. I do have some questions that  
18 walk through the string. So it's worth having you  
19 take a look for context.

20 A. Yeah, of course. 03:30:56

21 Would you mind popping it into the  
22 Veritext system so I can scroll on my own?  
23 Otherwise we can do it on the Zoom. It just made  
24 be more efficient.

25 Q. It -- it should be there in the folder. 03:31:13

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1           A.    I'm looking at the marked exclamation --           03:31:14  
2    bang bang -- marked exhibits folder, which is, I  
3    think, where I'm supposed to be. I don't see the  
4    exhibit there.

5                    Maybe I'm supposed to be somewhere else?           03:31:24

6           Q.    Yeah. Is there a Day 2 folder that  
7    you're looking at?

8           A.    I don't see a Day 2 folder.

9                    MR. LOESER: Why don't we go off the  
10   record for a second.           03:31:33

11                   THE VIDEOGRAPHER: Okay. We're off the  
12   record. It's 3:31 p.m.

13                    (Recess taken.)

14                   THE VIDEOGRAPHER: We're back on the  
15   record. It's 3:46 p.m.           03:46:21

16           Q.    (By Mr. Loeser) Mr. Cross, did you have  
17   a chance to look through the email string that is  
18   identified as Exhibit 7?

19           A.    I didn't look through it, no.

20                    Let me -- let me do it now.           03:46:39

21                    I have it in the document now.

22           Q.    Okay. And just to maybe orient you, the  
23   string starts with an email from Jackie Chang on  
24   August 21st, 2013, at the end of the string.

25           A.    Okay. I've scanned through the document.           03:47:31

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1 Q. Okay. And so if you go back to the first 03:47:33  
2 page of the document, there's a number of people  
3 identified here. One is KP, and we've talked a bit  
4 about him.

5 But -- but what his -- what was his 03:47:46  
6 position, if you know, at this time at Facebook?

7 A. I wouldn't want to give like a perfectly  
8 authoritative answer.

9 My understanding is he was a strategic  
10 partner manager. 03:47:59

11 Q. Okay. And what -- and what about  
12 Ime Archibong?

13 A. Again, I don't want to be -- don't have  
14 an authoritative answer to his job title at the  
15 time. But my understanding is he was the manager 03:48:09  
16 of the strategic partnerships team.

17 Q. Okay. And Jackie Chang?

18 A. Similarly, I'm sure I have the  
19 authoritative answer, but my understanding is she  
20 was a strategic partner manager on the strategic -- 03:48:26  
21 on the platform partnerships team.

22 Q. And Chris Daniels?

23 A. Chris Daniels, again, don't want to give  
24 an authoritative answer.

25 My recollection, though, is that he was 03:48:40

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1 the head of business development. 03:48:41

2 Q. Okay. So now if we go to the -- the  
3 beginning of the string, if you look at the email  
4 that Jackie Chang wrote to Ime and Chris.

5 Do you see that towards the bottom of the 03:48:58  
6 string?

7 A. I do.

8 Q. And the -- the subject line isn't evident  
9 on that. But if you go up to the email above that  
10 from Ime, the subject is "Re: T0/Special Cases for 03:49:12  
11 P3 consideration."

12 What is -- do you know what T0 refers to  
13 here?

14 A. T0 refers to some partner classification  
15 that -- that seems to have been in use at the time. 03:49:29

16 Q. Okay. And having looked through this  
17 email, this is a discussion of the changes to the  
18 Facebook platform that would deprecate certain  
19 APIs, including friend permissions; is that right?

20 MR. DAVIS: Objection. Form. 03:49:53

21 THE DEPONENT: My understanding is this  
22 is an email thread discussing potential impact of  
23 the -- several changes to the API that were being  
24 considered at the -- at the time of this email  
25 being written. 03:50:12

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1 Q. (By Mr. Loeser) Okay. And looking at 03:50:13  
2 the Jackie Chang's message, at the beginning of  
3 this thread, she states "Working with KP to further  
4 synthesize P3 impact by breaking out T0 partners  
5 with non-standard agreements and specific 03:50:26  
6 categories of impact that we should address. KP is  
7 working on the pulling the same analysis of the  
8 friend data, but we're also working in parallel to  
9 parse out key partnerships/scenarios that we should  
10 be solving for." 03:50:38

11 Do you see that?

12 A. I see that.

13 Q. So what Jackie Chang is sorting out here  
14 is, among other things, which partners would lose  
15 access to friend permissions and which ones would 03:50:50  
16 not, right?

17 A. Jackie Chang is not making any decisions  
18 in this email. What you see here is a conversation  
19 between a number of people on the partnerships team  
20 attempting to react to a set of potential changes 03:51:09  
21 and how they might impact the partner ecosystem.

22 Q. Okay. And Jackie Chang is -- is helping  
23 to develop a format for how to decide which  
24 partners would have access to friend data, for  
25 example, and which ones would not, right? 03:51:28

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1 MR. DAVIS: Objection. Form. 03:51:36

2 THE DEPONENT: This is a group of people

3 attempting to put together their -- their best

4 guess at a framework. But there's nothing that

5 indicates that this was what was ultimately 03:51:49

6 implemented.

7 Q. (By Mr. Loeser) Okay. And -- by the

8 way, if you -- in this document, did you see that

9 link there, https, and then there's a long URL?

10 A. I do. 03:52:06

11 Q. Okay. How -- how would that work? If

12 someone sent you this email at Facebook, is -- is

13 that -- if there's a link in a document, it would

14 be something you could click on and you'd then see

15 the document? 03:52:18

16 A. My understanding is that this is a --

17 some form of online document system, yes.

18 Q. So in -- in Ms. Chang's email to Ime and

19 Chris, she provides a -- some recommendations for

20 how to bucket different partners in this analysis; 03:52:41

21 is that right?

22 A. It's hard to confirm what she -- what

23 she's doing here without seeing the original

24 document.

25 She's referring to -- to tabs, for sure. 03:53:00

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1 But hard to know what -- what was on those tabs and 03:53:03  
2 how that relates to what's in the email.

3 Q. So to fully understand this document, you  
4 would need the document that is hyperlinked in this  
5 email; is that what you're saying? 03:53:14

6 MR. DAVIS: Object to the form.

7 THE DEPONENT: There's references in the  
8 email to information in -- in -- in a document,  
9 which I don't have the ability to see as of now.

10 Q. (By Mr. Loeser) And would it help you 03:53:31  
11 understand the context of this email, if you had  
12 the ability to see that document?

13 MR. DAVIS: Object to the form.

14 THE DEPONENT: Potentially --  
15 potentially. It would depend on the contents of -- 03:53:42  
16 of the -- the document. But it also depends on  
17 the -- the question you're asking.

18 Q. (By Mr. Loeser) And do you recall  
19 Ms. Chang being involved in this process of coming  
20 up with a format to bucket different groups of 03:53:59  
21 partners?

22 A. Jackie Chang was on the partnerships  
23 team, as was I. And I, yes, recall that a number  
24 of people were involved in attempting to assess the  
25 proposed changes. 03:54:18

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4 And you're saying you don't recall what  
5 category of partners would fall under the T0 tab? 03:54:34

8 Q. Okay. Now, it looks like that under this  
9 category, T0, there are three different  
10 considerations that she -- that Jackie Chang 03:54:56

21 Q. And then the next bullet is "Existing  
22 integrations impacted."

25	A. Integrations would have been impacted by	03:55:48
----	---	----------

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1 the proposed changes in a number of different ways, 03:55:49  
2 depending on the precise purpose and design of the  
3 integration.

4 Q. Okay. So it appears that when coming up  
5 with this format, Facebook recognized that there 03:56:00  
6 were existing integrations and they could be  
7 impacted by the changes to the platform; is that a  
8 fair read of that bullet?

9 MR. DAVIS: Object to the form.

10 THE DEPONENT: The -- there was 03:56:13  
11 expectation at the time that the proposed changes  
12 would impact some existing integrations.

13 Q. (By Mr. Loeser) And then the next bullet  
14 is "Future integrations in planning."

15 That would refer to integrations that had 03:56:30  
16 not yet happened, but that Facebook was perhaps  
17 considering doing in the future?

18 A. I don't want to speculate as to exactly  
19 what Jackie meant. Maybe -- maybe -- maybe ask  
20 her. But -- so, yeah, I think maybe ask her. 03:56:46

21 Q. Okay. She'd probably be the best person  
22 to ask about what she wrote in an email?

23 A. I think she'd be the best person to ask  
24 about what she wrote in an email.

25 Q. If you look at the next -- next heading, 03:57:02

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1 it's "Risk Assessment Tab." And the first item on 03:57:04

2 [REDACTED]

3 [REDACTED]

4 And can you tell me, from Facebook's

5 perspective, what this refers to in the context of 03:57:17

6 a discussion of the introduction of platform 3?

7 MR. DAVIS: Object to the form.

8 THE DEPONENT: It's hard to answer that

9 from Facebook's perspective. I can answer it from

10 a personal perspective. 03:57:37

11 My understanding of that is that there

12 may have been a number of companies, developers

13 that, when impacted by these changes would --

14 which --

15 (Brief interruption.) 03:57:55

16 THE DEPONENT: -- potentially be publicly

17 vocal about the impact on their integration.

18 Q. (By Mr. Loeser) Okay. And then let's

19 look at the next bullet.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Did I read that correctly? 03:58:24

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1 A. I think you read that correctly, yeah. 03:58:25

2

3

4

5

6

7 MR. DAVIS: Objection. Form. And scope.

8 THE DEPONENT: I wouldn't say that's

9 correct. This is a document containing the

10 opinions and ideas of a specific partner manager 03:59:01

11 around nine months before the -- the changes

12 were -- were introduced. This doesn't, I think,

13 reflect on ultimately how decisions were made.

14 Q. (By Mr. Loeser) What -- what is -- what

15 is strategic value? 03:59:19

16 What is meant by that?

17 A. I don't think I can answer what -- what

18 Jackie meant by strategic value in -- in her email.

19 I think that would be a question for her.

20 Q. And -- and what does Facebook mean by 03:59:32

21 strategic value?

22 A. I think strategic value could be

23 construed to mean many different things. I don't

24 think this is specific -- Facebook does not have a

25 specific definition of what strategic value means. 03:59:46

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And so can you tell me, from Facebook's perspective, what does it mean for a use case to be of strategic value to Facebook?

03:59:59

MR. DAVIS: Objection. Form. And scope.

THE DEPONENT: I can't give a -- a company answer to -- to -- to that question.

As -- as I testified earlier, I think there's a wide range of things that may be or could be considered strategic value.

04:00:10

Q. (By Mr. Loeser) Okay. So what are some of the things that may make sense in -- in the context of this email string?

04:00:21

MR. DAVIS: Objection. Form. And scope.

THE DEPONENT: I -- I can't answer on behalf of the company relative -- relative to what a partner manager was writing in an email nine years ago. So I think it's hard to answer that question.

04:00:38

Q. (By Mr. Loeser) So Facebook does not have an understanding of what it means for a partner to have strategic value to Facebook?

MR. DAVIS: Objection. Form. And scope.

04:00:50

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1 THE DEPONENT: There's not a standard 04:00:53  
2 company definition for what construes strategic  
3 value.

4 Q. (By Mr. Loeser) And -- and you're not  
5 prepared to testify as Facebook's -- as Facebook's 04:01:00  
6 representative or designee to testify about what  
7 strategic value means to Facebook in the context of  
8 its partners?

9 MR. DAVIS: Objection. Form.

10 THE DEPONENT: I could give some 04:01:19  
11 examples, per se, that might be considered  
12 valuable. But I can't give you, as you're asking,  
13 some kind of universal definition of what strategic  
14 value is to -- to Facebook.

15 Q. (By Mr. Loeser) What are the examples 04:01:37  
16 that you're thinking about?

17 A. So one example might be a mobile device  
18 integration to enable a Facebook-branded  
19 application to exist on a mobile operating system.

20 Q. Are there other examples? 04:01:59

21 A. There are probably other examples. I  
22 don't have any in my head immediately to mind.

23 Q. So you're not prepared to testify, on  
24 behalf of Facebook, as to other examples of what  
25 strategic value means to Facebook in this context? 04:02:21

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1 MR. DAVIS: Objection. Form. And scope. 04:02:24

2 THE DEPONENT: Well, I mean, be prepared

3 to testify, I -- you know, I think I could give

4 some more examples -- another example if I had a

5 bit more time to think of one. 04:02:39

6 Q. (By Mr. Loeser) What -- what does it

7 mean to drive value to Facebook -- for a partner to

8 drive value to Facebook?

9 MR. DAVIS: Objection. Form. And scope.

10 THE DEPONENT: In the context of -- can 04:02:51

11 you help me understand the context in which you're

12 asking.

13 Q. (By Mr. Loeser) Sure.

14 In the context of Jackie Chang's proposed

15 format for how to decide which partners should 04:02:59

16 receive continued access to friend permissions.

17 MR. DAVIS: Same objections.

18 THE DEPONENT: Yeah. I think drive value

19 to Facebook -- I mean, I think if you want to

20 understand what she meant by that phrase in an 04:03:12

21 email, you should ask Jackie.

22 Q. (By Mr. Loeser) But Facebook doesn't

23 have an answer to that question?

24 MR. DAVIS: Objection. Form. Scope.

25 THE DEPONENT: As I've said, there's a 04:03:28

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1 number of different ways which might be considered 04:03:29

2 drive -- drive value in this -- in this context.

3 Q. (By Mr. Loeser) If you look at the next

4 bullet in Ms. Chang's email, she writes

5 [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Do you understand what she's referring to

10 here? 04:04:08

11 A. I don't understand what she's -- well, I

12 don't understand -- I can't be sure what she's

13 referring to here.

14 [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 MR. DAVIS: Objection. Form. Scope.

18 THE DEPONENT: So hard to give a company

19 answer to that question.

20 On a personal level, one example that 04:04:34

21 might come to mind is where a user might be able to

22 browse their newsfeed in another -- on another

23 platform or -- or app in another application,

24 which -- which meant the user would be browsing

25 their newsfeed in a non-Facebook app. 04:05:05

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1 Q. (By Mr. Loeser) And that would be 04:05:10  
2 competitive because that would then cause people to  
3 use that other app instead of Facebook, or that  
4 other platform instead of Facebook?

5 A. It might allow a user to browse their 04:05:25  
6 newsfeed in -- in an app that wasn't provided by  
7 Facebook.

8 Q. Now, let's turn to the beginning of the  
9 email string and look at the email from KP.

10 And it looks like that -- that the first 04:05:42  
11 thing he does is he adds you to this conversation;  
12 is that right?

13 A. It looks like he added me to the  
14 conversation, yes.

15 Q. That's what the "+ Simon" means at the 04:05:52  
16 top of this email?

17 A. That would be my interpretation, yes.

18 Q. Okay. So if we look at the second

19 [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

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1

■

■

■

5

Do you see that?

04:06:38

6

A. I do see that.

7

Q. And so KP refers to a list that you put

8

together that had a full list of all the "apps that

9

request and make use of the friends\_permissions";

10

is that right?

04:06:59

11

A. I'm not sure it is a full list. It's a

12

list of 40K-plus apps as -- well, as per -- as per

13

the copy here. Again, I don't see the -- the

14

document attached.

15

Q. Okay. And so -- and 40K apps mean

04:07:14

16

40,000 -- more than 40,000 apps that allowed access

17

to friend permissions?

18

A. Well, this mean 40,000 applications that

19

were in some way requesting friend permissions from

20

users.

04:07:32

21

Q. And attached to this document is a

22

spreadsheet that -- that, based on this email,

23

appears to be the list that you put together,

24

correct?

25

A. That would make sense, yes.

04:07:44

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1 Q. And do you recall how you put together 04:07:46  
2 that list?

3 A. I -- answering in a -- again, on -- on a  
4 personal recollection here, I would have used one  
5 of Facebook's internal data analysis tools to pull 04:07:57  
6 this list together.

7 Q. Okay. Which tool would you have used?

8 A. My recollection is, I would have used  
9 HiPal.

10 Q. And is that a tool that could still be 04:08:16  
11 used to identify any app that had access to friend  
12 permissions?

13 MR. DAVIS: Objection. Form.

14 THE DEPONENT: I don't know. I don't  
15 think HiPal as a -- as a -- as a tool exists 04:08:30  
16 anymore. And I don't know what information it  
17 would grant access to today.

18 Q. (By Mr. Loeser) Let's -- I'm sorry. I  
19 didn't mean to interrupt you.

20 Let's work down KP's email a little bit 04:08:44  
21 and go to the -- the -- the No. 3 on here. And  
22 this -- am I reading this correctly, that -- that  
23 KP went through the list and reviewed the top 250  
24 apps and -- do you know what he means by the "top  
25 250 apps"? 04:09:08

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1 MR. DAVIS: Objection. Form. 04:09:10

2 THE DEPONENT: I do not know what he  
3 means by the "top 250 apps."

4 Q. (By Mr. Loeser) And nonetheless, he  
5 breaks the apps into -- it looks like nine 04:09:19  
6 different categories; is that right?

7 A. I see nine bullets on this email, yeah.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED]

[REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

[REDACTED]

16 [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED]

20 Do you see that? 04:10:11

21 A. I do see that.

22 Q. So does this suggest to you that KP

23 believed that the framework for sorting partners

24 into buckets or deciding whether they have

25 continued access to friend permissions, was the one 04:10:20

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1 that had been proposed by Jackie Chang? 04:10:22

2 MR. DAVIS: Objection. Form.

3 THE DEPONENT: I think the context,

4 again, of this email is important. This is a -- a

5 team of people, nine months before changes were 04:10:32

6 announced, attempting to find some way to structure

7 their thinking.

8 In this email, he's referring to,

9 you know, Jackie's framework. But it's not clear

10 to me what Jackie's framework is. And it's also 04:10:52

11 not clear whether or not any of this was ultimately

12 used.

13 Q. (By Mr. Loeser) Okay. Well, let's go up

14 to the top of KP's email.

15 He says "Thanks a lot, Jackie. This is 04:11:05

16 great - I have included the additional info for the

17 strategic partners in the attached spreadsheet as

18 well (for completeness)."

19 Do you see that?

20 A. I do see that. 04:11:19

21 Q. So he received a format from Jackie,

22 right?

23 MR. DAVIS: Objection. Form.

24 THE DEPONENT: I mean, all I have to go

25 on to answer your questions is what -- what's on 04:11:28

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1 the screen here. 04:11:30

2 I think Jackie or KP need to answer the  
3 specifics.

4 Q. (By Mr. Loeser) And you can confirm, on  
5 behalf of Facebook, that in this email KP 04:11:41  
6 recommended using Jackie's framework for the  
7 category described in KP's email as strategic,  
8 right?

9 MR. DAVIS: Objection. Form.

10 THE DEPONENT: I can confirm this email 04:11:54  
11 exists. Sorry. I can confirm that this document  
12 exist.

13 But like I can't confirm anything about  
14 the precise nature of a framework or if that was  
15 used in any way. 04:12:10

16 Q. (By Mr. Loeser) Right.  
17 And I asked you a slightly different  
18 question.

19 It was, can you confirm that KP  
20 recommended the use of Jackie's framework? 04:12:17

21 MR. DAVIS: Objection. Form.

22 THE DEPONENT: Again, all I have to go on  
23 is what's on the page here. So I would be  
24 confirming -- confirming what we all can read with  
25 our own eyes. I can't confirm, on behalf of 04:12:33

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1 Facebook, anything more than that. 04:12:37

2 Q. (By Mr. Loeser) And so if Facebook  
3 wanted to figure out if Jackie's framework was  
4 used, what would Facebook do to identify the answer  
5 to that? 04:12:45

6 MR. DAVIS: Objection. Form.

7 THE DEPONENT: You want me to stand by  
8 what you mean by Jackie's framework was used.

9 Q. (By Mr. Loeser) Well, is there something  
10 confusing about that statement? 04:12:55

11 A. Yes.

12 Q. Okay. Well, let's break it down.  
13 There's a framework discussed in this  
14 email, right?

15 A. There's the -- there's a framework 04:13:11  
16 discussed. But it's not clear to me exactly what  
17 that framework is.

18 Q. Okay. But there is a framework that's  
19 indicated in Jackie's email to Ime Archibong,  
20 right? 04:13:27

21 MS. DAVIS: Objection. Form.

22 THE DEPONENT: She doesn't make a  
23 reference to a framework.

24 Q. (By Mr. Loeser) If you go back to the  
25 heading we were looking at, No. 3, KP refers to 04:13:52

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1 "Jackie's framework," right? 04:13:56

2 A. I can see the term here use -- "User  
3 Jackie's framework." I can read that on the page.

4 Q. Okay. And at the beginning of this  
5 string is a -- is a description of how to bucket 04:14:06  
6 different partners, based upon the types of  
7 agreement they had, the impact and the risk  
8 assessment; is that right?

9 MR. DAVIS: Objection. Form.

10 THE DEPONENT: As we've discussed, 04:14:28  
11 there's a set of bullets on this page and a link to  
12 a document. I'm not sure I construe that as a  
13 framework.

14 Q. (By Mr. Loeser) Okay. It appears that  
15 KP referred to it as a framework, right? 04:14:39

16 A. When he's referring to Jackie's  
17 framework, technically he could be referring to  
18 something else. He could be referring to this.

19 It's hard to know. This is an email  
20 thread from nine years ago. And if you want to 04:14:51  
21 know what these people meant, I would ask them.

22 Q. Well, why don't we look at the end of

23 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
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1 Strategic tabs and then make up a decision based on 04:16:26  
2 the criteria outlined by Jackie below."

3 Do you see that?

4 A. I see that.

5 Q. And are there criteria outlined by Jackie 04:16:35  
6 below?

7 MR. DAVIS: Objection. Form.

8 THE DEPONENT: Again, like -- I can read  
9 an email. If you want to understand precisely what  
10 the people in it meant, I would speak to them. 04:16:50

11 Q. (By Mr. Loeser) Yeah.

12 I'm more interested in what Facebook  
13 understands, based upon the work of the employees  
14 tasked with trying to decide which partners would  
15 continue to have access to friends permissions and 04:17:02  
16 which would not.

17 So are you not prepared to testify about  
18 Facebook's understanding of how those partners were  
19 sorted?

20 MR. DAVIS: Objection. Form. And scope. 04:17:11

21 THE DEPONENT: I'm prepared to testify  
22 that there's a group of people in a partnerships  
23 team attempting to put together a way of  
24 understanding how these proposed -- the -- the  
25 changes proposed at the time might impact the 04:17:25

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1 partner ecosystem. 04:17:28

2 Q. (By Mr. Loeser) And so did -- did --

3 A. There's no --

4 Q. Sorry. Go ahead.

5 A. Sorry. Go on. 04:17:35

6 Q. Did Facebook use Jackie Chang's framework  
7 for deciding which strategic partners would have  
8 access to friend and newsfeed permissions?

9 A. No.

10 MR. DAVIS: Objection. Form. 04:17:49

11 THE DEPONENT: Sorry.

12 I don't recall -- again, hard -- hard to  
13 answer fully on behalf of the company here.

14 My understanding is that this was not  
15 used in any way to make decisions. 04:17:59

16 I think one of the things that's  
17 important to know here is that, again, this email  
18 is from August 2013, which is around, you know,  
19 nine or more months before the changes were  
20 announced. 04:18:19

21 At this time the -- the -- the changes  
22 that were proposed were somewhat different in how  
23 they were ultimately rolled out. Much, much  
24 changed between this time and April 30th, 2015.

25 Q. (By Mr. Loeser) Okay. Well, let's make 04:18:48

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2	stage.
---	--------

5	MR. DAVIS: Objection. Form.	04:18:58
---	-----------------------------	----------

8 On a personal level, I would -- I -- my

11 | understanding what the impact those changes might

12 have on the developer ecosystem.

17 Q. (By Mr. Loeser) Okay. And so Ms. Chang

22 MR. DAVIS: Objection. Form.

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1 that as a framework. KP refers to "a" framework. 04:20:12

2 It could be that he's talking about Jackie's work.

3 But to confirm that you'd need to speak  
4 to KP or Jackie.

5 Q. (By Mr. Loeser) Okay. And the -- and 04:20:25

6 the people that were involved in the development of  
7 the criteria used to sort partners for deciding who  
8 would have access to friend permissions were

9 Chris Daniels, Ime Archibong, KP, Jackie Chang and  
10 yourself? 04:20:43

11 MR. DAVIS: Objection. Form.

12 THE DEPONENT: This document represents

13 an email thread with some people on it having

14 that -- having a discussion about how to

15 potentially categorize apps that might be affected 04:20:55

16 by the deprecation.

17 Q. (By Mr. Loeser) And, sir, who made the

18 final decision on the framework for -- to be used

19 for determining which apps or partners would

20 continue to have access to deprecated permission, 04:21:09

21 such as friend sharing?

22 MR. DAVIS: Objection. Form.

23 THE DEPONENT: I'm not sure how to answer

24 that question. Yeah. I'm not sure how to answer

25 that question on behalf of the company. 04:21:25

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1 In a -- in a personal capacity I -- 04:21:30  
2 you know, this -- this -- I don't recall specific  
3 framework being used.

4 Q. (By Mr. Loeser) And my question was a  
5 little different. And it is in your capacity as 04:21:43  
6 Facebook's designee.

7 I would like to know who made the final  
8 decision on the framework to be used for  
9 determining which apps or partners would continue  
10 to have access to deprecated permissions? 04:21:58

11 MS. DAVIS: Objection --

12 Q. (By Mr. Loeser) I assume they're --  
13 well, let me ask it this way.

14 Was there a framework used by Facebook  
15 for determining which app -- apps and partners 04:22:03  
16 would continue having access to deprecated  
17 permission?

18 MR. DAVIS: Objection. Form.

19 THE DEPONENT: I don't -- I don't recall  
20 a specific framework being used to make those 04:22:14  
21 decisions.

22 Q. (By Mr. Loeser) So is it Facebook's  
23 testimony that the determination was ad hoc?

24 MR. DAVIS: Objection. Form.

25 THE DEPONENT: In the end, the -- there 04:22:29

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1       were -- the -- the way the decisions were made were       04:22:33  
2       a bunch of conversations between the partnerships  
3       team and the platform leadership team to determine  
4       what made sense.

5           Q.     (By Mr. Loeser)   Okay.   And based upon       04:22:47  
6       the string that we've gone through, the -- the  
7       recommendation from Jackie Chang and the  
8       recommendation from KP was to take into account the  
9       strategic value of the partner to Facebook when  
10      deciding whether to grant continued access to       04:23:10  
11      deprecated permissions; is that right?

12           MR. DAVIS:   Objection.   Form.

13           THE DEPONENT:   No.

14           Q.     (By Mr. Loeser)   You don't see that  
15      discussion of strategic value in the email string       04:23:22  
16      we just went through?

17           A.     I see the discussion in the email thread.  
18      But as I testified earlier, my understanding is  
19      that this is a group of people attempting to put  
20      together a way to think about the impact of these       04:23:41  
21      changes on the developer ecosystem.

22           The result of this work, nine months  
23      before the changes went into effect, were based on  
24      their first pass understanding of the proposed  
25      changes, many of which were different in form when       04:24:05

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1 ultimately implemented. 04:24:07

2 Q. And so is it Facebook's testimony that  
3 strategic value was not a consideration taken into  
4 account when deciding whether to provide continued  
5 access to deprecated permissions? 04:24:18

6 MR. DAVIS: Objection. Form.

7 THE DEPONENT: As we discussed  
8 previously, the -- from my discussions with all of  
9 the people involved -- well, many of the people  
10 involved at the time and reading other internal 04:24:33  
11 documents, is that a very, very small number of  
12 applications were ultimately granted an extension.

13 And there were, to my understanding, only  
14 two reasons. The -- I have heard as to the reasons  
15 why those extensions were granted. We've discussed 04:24:53  
16 them previously.

17 MR. LOESER: Okay. And I'm going to have  
18 the court reporter read back my question to you,  
19 and if you could just answer the question directly,  
20 please do. 04:25:06

21 MR. DAVIS: And my objection, please.

22 (Record read as follows:

23 "QUESTION: And so is it Facebook's  
24 testimony that strategic value was  
25 not a consideration taken into 04:24:12

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1 account when deciding whether to 04:24:15  
2 provide continued access to  
3 deprecated permissions?  
4 MR. DAVIS: Objection. Form.")  
5 THE DEPONENT: It's hard to answer. 04:25:36  
6 I'm -- I'm not sure I -- I can't answer a question  
7 with -- with -- can you please -- given the  
8 objection, could you ask the question in a way that  
9 doesn't generate an objection?  
10 Q. (By Mr. Loeser) Would that -- if I had a 04:25:51  
11 magic wand, but I don't.  
12 SPECIAL MASTER GARRIE: Actually --  
13 MR. LOESER: No, there's nothing --  
14 SPECIAL MASTER GARRIE: No. Actually,  
15 just answer the question. 04:25:58  
16 THE DEPONENT: Okay. Sorry.  
17 Could you ask the question again then.  
18 THE COURT REPORTER: Do you want me to  
19 read it back?  
20 MR. LOESER: Sure. Go ahead. 04:26:11  
21 Thank you.  
22 SPECIAL MASTER GARRIE: And -- and in  
23 your capacity as a 30(b)(6).  
24 Go ahead. Read the question.  
25 (Record read as follows: 04:26:43

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1 "QUESTION: And so is it Facebook's 04:27:09  
2 testimony that strategic value was  
3 not a consideration taken into  
4 account when deciding whether to  
5 provide continued access to 04:24:17  
6 deprecated permissions?")  
7 MR. DAVIS: Object to the form.  
8 SPECIAL MASTER GARRIE: Overruled. Ask  
9 the question again.  
10 (Record read as follows: 04:24:21  
11 "QUESTION: And so is it Facebook's  
12 testimony that strategic value was  
13 not a consideration taken into  
14 account when deciding whether to  
15 provide continued access to 04:24:17  
16 deprecated permissions?")  
17 THE DEPONENT: I don't -- how do I want  
18 to say this.  
19 I don't think I can answer -- can confirm  
20 the strategic value is not in any way taken into 04:27:19  
21 account. Strategic value has not been defined or  
22 determined specifically, as we discussed earlier.  
23 Q. (By Mr. Loeser) And how does Facebook  
24 define strategic value in the context of deciding  
25 whether to grant continued access to deprecated 04:27:39

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1 permissions to partners? 04:27:42

2 MR. DAVIS: Object to the form.

3 THE DEPONENT: I don't know how to define

4 strategic value in determining how to -- how these

5 decisions were made. 04:27:59

6 Q. (By Mr. Loeser) And when you say "I

7 don't know," you mean Facebook doesn't know?

8 A. To the best -- I -- I have spoken to a

9 number of people involved in -- in this initiative

10 and -- and read -- read documents. 04:28:22

11 And my understanding as to why extensions

12 to the deprecations were granted is because there

13 would be an impact on -- for the friend

14 permissions, an impact on the user experience if

15 there was no extension granted or where the partner 04:28:40

16 was making use of them for a -- a use case that

17 involved compliance or legal considerations.

18 Q. And those reasons you just mentioned did

19 not include strategic value to Facebook, right?

20 A. Again, I -- I don't -- there's no single 04:29:08

21 definition for what strategic value meant. I mean,

22 you're asking me a question that -- that's very

23 hard to answer.

24 I mean, if you could ask a more specific

25 question, maybe I'll be able to give you a better 04:29:22

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1 answer. 04:29:25

2 Q. Well, you just gave two reasons. Neither  
3 one of those is of strategic value to Facebook,  
4 right?

5 A. I'm not sure I agree. One of the 04:29:32

6 benefits of allowing user experiences not to be  
7 broken by the migration is that users don't have  
8 broken user experiences, and those developers have  
9 the time to wind down their integrations

10 gracefully, maintaining strong relationships with 04:29:54

11 developers. That might be considered strategic  
12 value.

13 Q. And was that considered strategic value  
14 by Facebook in the context of deciding which apps  
15 would have access to deprecated permissions? 04:30:09

16 MR. DAVIS: Objection.

17 THE DEPONENT: Again, I don't -- I don't  
18 feel I have -- I don't feel that I can answer with  
19 a definition of what strategic value is on behalf

20 of the company. As we discussed earlier, that 04:30:20

21 frame -- that framing could mean many things in  
22 many different contexts.

23 MR. LOESER: Okay. Well, let's move on  
24 to the next exhibit, which is Exhibit 11.

25 /////

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1 Q. (By Mr. Loeser) And Mr. Cross, you 04:31:00  
2 should be looking at what's previously been marked  
3 as Exhibit 11, which is an email from you to  
4 Ime Archibong, Jackie Chang and KP, dated  
5 September 3rd, 2013, "Subject: Re: P3.0 Rollout 04:31:07  
6 Planning."

7 Do you see that?

8 A. I see that.

9 Q. In your email you state "Here's my draft  
10 deck for review tomorrow. Yes, it's a little 04:31:20  
11 longer than hoped, but I feel it needs to  
12 standalone when passed around beyond Chris,  
13 assuming he's OK with this strategy. Feedback  
14 welcome, will try and incorporate ASAP."

15 Do you see that? 04:31:34

16 A. I see that.

17 Q. Okay. So this is an email that you sent  
18 with a draft deck regarding the rollout of  
19 platform 3; is that right?

20 A. That is correct, yes. 04:31:47

21 Q. Okay. And why don't we turn to the deck  
22 itself, which has previously been marked  
23 Exhibit 12.

24 /////

25 /////

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1 MR. DAVIS: And Mr. Loeser and 04:32:03  
2 Ms. Daniel, could I get these in Exhibit Share,  
3 please.  
4 MS. DANIEL: Yes, they're there.  
5 MR. LOESER: Yeah, they're there. 04:32:16  
6 You need to look in Day 1 folder because  
7 for some reason --  
8 SPECIAL MASTER GARRIE: Before we --  
9 yeah. Before we move forward, Counsel Davis,  
10 just -- can you confirm that you have access 04:32:29  
11 because that's pretty critical for you to do your  
12 job.  
13 MR. BLUME: Okay. I -- I have them now  
14 in the Day 1 folder.  
15 Apologies. Thank you. 04:32:40  
16 SPECIAL MASTER GARRIE: Don't apologize.  
17 You got to work.  
18 Q. (By Mr. Loeser) Okay. So we're -- we're  
19 going to bring up Exhibit 12, which is the -- the  
20 deck that you prepared, Mr. Cross. 04:32:47  
21 And if we look at the first page, it  
22 states "Platform 3.0, Planning, Preparation &  
23 Execution"; is that right?  
24 A. That's what I see.  
25 Q. And do you recall preparing this slide 04:33:04

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1 deck? 04:33:06

2 A. I don't recall preparing it. But I've  
3 seen it recently.

4 Q. And you saw it for your -- preparing for  
5 your testimony today? 04:33:15

6 A. That's correct.

7 Q. So on -- if you go to slide -- the second  
8 page, which I think is probably considered  
9 slide 1 of the deck, one of the headings is  
10 "Capabilities Cleanup." 04:33:34

11 Do you see that?

12 A. I see that.

13 [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]

16 Do you see that?

17 A. I see that.

18 Q. And the first bullet below that says

19 [REDACTED]

[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]

22 A. I think I need to answer this in a  
23 personal capacity, rather than Facebook. I don't  
24 think Facebook has a view on that.

25 [REDACTED] [REDACTED]

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Q. And did the audit occur?

15

MR. DAVIS: Objection. Form.

04:35:17

16

THE DEPONENT: Some work was done to

17

improve the capability tool and remove some

18

capabilities from apps that weren't using them.

19

Q. (By Mr. Loeser) Let's look at the next

20

slide which has the header "P3.0

04:35:32

21

Launches/Deprecations."

22

Do you see that?

23

A. Yes.

24

Q. And there's a list here, in the middle of

25

the slide, "Public API Deprecations," and it states

04:35:42

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1 "i.e. Currently public APIs which will become 04:35:46  
2 whitelist only or deprecated entirely," right?

3 A. I see that.

4 Q. So in the planning phase for the rollout  
5 here, Facebook had identified that there would be 04:35:58  
6 APIs that were deprecated entirely, right?

7 A. At this time, the changes to the platform  
8 were in a proposed state. They -- well,  
9 ultimately -- was announced and launched changed  
10 significantly over time. And certainly between the 04:36:24  
11 time that this deck was created and the ultimate  
12 announcements.

13 Q. Okay. And my question was simpler  
14 really. I'm just -- I want to make sure that -- in  
15 the planning phase, Facebook identified that -- 04:36:39  
16 that some apps would become whitelist only or  
17 some -- some -- some APIs would become whitelist  
18 only and others would be deprecated entirely. That  
19 was the structure that Facebook came up with,  
20 right? 04:36:53

21 MR. DAVIS: Objection. Form.

22 THE DEPONENT: Again, in -- I don't think  
23 Facebook came up with that structure.

24 And, again, in personal capacity, my  
25 understanding at the time is that it was proposed 04:37:05

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1 proposals about APIs and permissions that -- that 04:38:23  
2 would be privatized or deprecated. At the time  
3 this deck was written, no decisions had been made.

4 Q. Okay. And when you say "privatized" or  
5 "deprecated," is that an expression you're using 04:38:36  
6 that's synonymous with whitelisted?

7 MR. DAVIS: Objection. Form.

8 THE DEPONENT: In -- when -- in this  
9 context, when I refer to "privatized," I'm  
10 referring to something that would be available only 04:38:49  
11 to apps that had been -- only to apps developers  
12 that had been whitelisted in some way.

13 Q. (By Mr. Loeser) And then this -- this  
14 table below the "Public API Deprecations" list --  
15 under the heading "Public API deprecations," it 04:39:10  
16 lists through a variety of permissions that, at  
17 this stage anyway, Facebook was intending to -- to  
18 deprecate; is that right?

19 MR. DAVIS: Objection. Form.

20 THE DEPONENT: This is a list of 04:39:25  
21 permissions and APIs that at the time were being  
22 considered for deprecation or privatization.

23 [REDACTED]

[REDACTED]

[REDACTED]

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Q. And when you say "GDP," is that -- what is that?

A. Sorry. Yeah. Good -- good

clarification. 04:40:30

That's jargon. That's the -- what's

otherwise known as the Facebook login dialogue.

It's the log -- it's the dialogue that a user sees

before -- when they grant permissions to

applications. 04:40:43

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Explain what that column represents and  
how you were able to identify the number.

04:40:59

A. Give me a few seconds to -- to read this  
and see if I can remember exactly how this was  
pulled together.

Unlike the first column, I don't  
immediately recall how this was computed.

04:41:15

So this refers to -- reading this has  
jogged my memory. Reading this refers to the  
number of distinct users for an application, across  
all of the applications that requested that -- that  
group of permissions from users on -- when the  
analysis was done.

04:41:55

Q. Okay. And what was the tool that you  
used to determine that?

A. I would have used the HiPal tool to query  
this data.

04:42:19

Q. And if you wanted to find that  
information today at Facebook, what would you do?

A. I would ask one of the engineers on the  
platform team if they could do the analysis or find  
someone who could do the analysis.

04:42:34

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1 Q. And who's the one that you think would be 04:42:36  
2 the most knowledgeable?

3 A. The engineer I would immediately go speak  
4 to is Steven Elia. But he would almost certainly  
5 direct me to someone more knowledgeable than him. 04:42:46

6 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

12 Did I read that correctly?

13 A. You read that correctly.

14 Q. And so then you come up with a -- or you  
15 present here a classification of -- of the apps 04:43:17  
16 that are currently using to-be-deprecated features;  
17 is that right?

18 A. Yeah. Again, in a personal capacity,  
19 my -- my recollection is that I was proposing a  
20 potential way to -- to categorize the apps using 04:43:38  
21 to-be-deprecated features.

22 Q. Okay. And the first bullet is

23 [REDACTED]  
[REDACTED]  
[REDACTED]

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What I think is important to remember is that, again, this deck, as I understand it, from the time stamp -- the date stamp in the bottom left is, you know, eight months in advance of ultimately how the deprecations were announced.

04:44:33

And at the time, my recollection is that the ways in which those changes would be rolled out was very different to how it ultimately was rolled out. And at this point, therefore, some different options were being considered.

04:44:54

Q. Fair to say that the introduction of the new platform was an extremely important event for Facebook, right?

MR. DAVIS: Objection. Form.

04:45:11

THE DEPONENT: The updates that were announced on April the 30th, 2015, were -- were certainly seen as a significant change to the developer platform and a significant step forward for -- for users.

04:45:28

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1 Q. (By Mr. Loeser) And Facebook did a 04:45:31  
2 significant amount of planning and preparation in  
3 advance of rolling out that platform, right?

4 A. Given the nature of the changes, a good  
5 number of people were involved in determining what 04:45:48  
6 they were. How to roll them out. And -- and how  
7 to manage the developer ecosystem's transition to  
8 the new world.

9 Q. And this deck that you prepared was part  
10 of that planning and preparation for the rollout of 04:46:04  
11 the new platform, right?

12 A. This deck represents a very, very early  
13 version of the thinking as to how these changes  
14 might be rolled out.

15 [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

19 MR. DAVIS: Objection. Form.

20 THE DEPONENT: Facebook doesn't have a 04:46:40  
21 view on what is meant here. And I don't recall  
22 what I meant when I was -- I was writing this.

23 [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

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MR. DAVIS: Objection. Form.

8

THE DEPONENT: I think typically

9

revoking, changing what an app can do outside of a

10

policy would be certainly an usual thing to do.

04:47:27

11

Q. (By Mr. Loeser) So your next bullet is

12

"Standard," and then it says "(default)."

13

"Apps are notified on P-day and have

14

n-days to comply (vast majority of apps)."

15

And I'm going to interpret this for you

04:47:43

16

and you tell me if I'm right or wrong.

17

What you're suggesting here is that on

18

the day that the new platform is introduced,

19

telling apps that they have a number of days to

20

comply with the requirements of the new platform;

04:47:54

21

is that right?

22

A. That's right. And ultimately,

23

essentially, what occurred for most developers.

24

Q. Okay. And then your next bullet is

25

"Extension."

04:48:10

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1 And you write "Apps given n+x days to 04:48:10  
2 comply due to long upgrade cycles e.g. devices  
3 (Smart TV, in car, mobile OS's)."

4 Now, is this the -- the category that  
5 you've provided testimony about already that 04:48:25  
6 explains why extensions were given to certain apps  
7 and developers?

8 MR. DAVIS: Objection. Form.

9 THE DEPONENT: The -- this -- this deck  
10 was written a long time before the changes were 04:48:38  
11 announced, and then a long time before decisions  
12 were ultimately made about whether or not someone  
13 should be given an extension.

14 So I don't want to connect the two  
15 specifically because at this point those -- the 04:48:55  
16 exact determination had not been made. So this is  
17 proposing a model where some apps might be given  
18 additional time.

19 The thing I will also point out here is  
20 my recollection is at the time that this deck was 04:49:15  
21 written, the proposal was to implement the changes  
22 in 90 days. And when changes of this nature are  
23 introduced in -- in a 90-day time period, not all  
24 developers can react at that speed. It takes many  
25 companies often longer than that to write code and 04:49:42

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1 ship it to production or to their users. 04:49:46

2 And so this -- this category is on this  
3 deck here, again, in my personal recollection,  
4 given the expectation at the time that the changes  
5 would be rolled out in a 90-day time period. 04:50:02

6 Q. (By Mr. Loeser) And -- and so just --  
7 you know, I asked you on Monday, and a little bit  
8 this morning, to explain all the reasons why -- why  
9 apps or partners were given access to deprecated  
10 permissions. 04:50:20

11 And -- and one of the categories you  
12 described was an extension and -- and -- and this  
13 bullet is consistent with your earlier testimony.

14 Perhaps the length of time changed, but  
15 the notion of providing an extension for those 04:50:33  
16 reasons is what you indicated previously; is that  
17 right?

18 A. The suggestion on the slide here is -- is  
19 broadly consistent with -- ultimately, one of the  
20 reasons why several extensions were granted. 04:50:46

21 Q. Okay. Let's -- let's look at the next

22 [REDACTED]

[REDACTED]

[REDACTED]

25 Do you see that? 04:51:04

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1 A. I do see that. 04:51:05

2 Q. And we had a conversation a few minutes  
3 ago about strategic value to Facebook and you were  
4 unable to describe what that meant to Facebook and  
5 expressed some lack of familiarity -- familiarity 04:51:15  
6 with the term "strategic value."

7 Does this provide you with better context  
8 to understand what Facebook has in mind with the  
9 expression "strategic value" to Facebook?

10 MR. DAVIS: Object to the form. 04:51:27

11 THE DEPONENT: Again, back to my earlier  
12 testimony of -- strategic value, as a phrase, is  
13 not a defined term at the company and could mean  
14 many different things in many different contexts.

15 In a personal capacity, my -- my 04:51:43  
16 recollection, when writing this deck, is that it  
17 was -- I thought there would be some apps that the  
18 business -- the -- the leadership team might  
19 consider for continued access.

20 But in this deck, I'm not specific as to 04:52:10  
21 what that is. And I don't recall having a clear  
22 understanding or defined understanding of -- of --  
23 of what that meant.

24 Q. (By Mr. Loeser) Who was the intended  
25 audience of this slide deck? 04:52:35

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5 Q. And fair to say that when you wrote this 04:52:55

15 But, again, at this -- at this time, I 04:53:35  
16 didn't have a clear understanding of what those  
17 reasons would be, merely that there might be the  
18 need for a category into which they could be  
19 sorted.

20 Q. Let's move forward to what is the eighth 04:53:53  
21 slide in the deck that has the heading "Open  
22 Questions."

23 And you'll see the second question is,  
24 "Who needs to be on the Review Board to classify  
25 apps using to-be-deprecated features? Chris? 04:54:07

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1 Doug? Vernal? What about mobile apps, companies 04:54:10

2 with sales-led relationships."

3 Do you see that?

4 A. I see that.

5 Q. And how is that question answered? 04:54:20

6 A. I do not recall that question being  
7 answered.

8 Q. So does Facebook -- can Facebook tell the  
9 Court who it put on the review board -- well, first  
10 of all, was there a review -- a review board to 04:54:35  
11 classify apps using to-be-deprecated features?

12 A. No. No review board was set up.

13 Q. And -- and I asked you before and I'll  
14 ask you again, do you know who made the final  
15 decisions on how to classify apps using 04:54:55  
16 to-be-deprecated features?

17 MR. DAVIS: Objection. Form.

18 THE DEPONENT: Can you ask me the  
19 question again. I think it's important to --

20 MR. LOESER: Sure. Sure. 04:55:10

21 THE DEPONENT: -- to understand.

22 Q. (By Mr. Loeser) Yeah. I see that the  
23 question is slightly different than I asked before.  
24 So that's a fair clarification.

25 Who made the decision on how to classify 04:55:17

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1 apps using to-be-deprecated features? 04:55:19

2 MR. DAVIS: Object to the form.

3 THE DEPONENT: I don't think any -- I

4 don't think any, in parti- -- single person de- --

5 decided that it was a classification of apps for 04:55:34

6 using to-be-deprecated features.

7 Q. (By Mr. Loeser) And then if you look at

8

■

10 Do you know how that question was 04:55:52

11 answered?

12 A. I don't know how that question was

13 answered.

14 Q. So let's go to the -- there's an appendix

15 to this -- to this deck, and we can go to the first 04:56:07

16 slide of the appendix.

17 And you see there's two columns,

18 "NewsFeed API."

19 Is -- is that a reference to read stream

20 permission? 04:56:33

21 A. Yes, the first column refers to the --

22 the read stream permission.

23 Q. And the second column is "Non-App-Friends

24 data."

25 And from this, it appears that's a 04:56:43

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1 reference to the permissions -- for the friends 04:56:48

2 permissions?

3 A. That's correct.

4 Q. And if you look there, there's a list of

5 different types of app below on each column; is 04:56:59

6 that right?

7 A. There are some -- there are some apps,

8 yes.

9 Q. And then with regard to each of the

10 categories of app, there's a recommendation as to 04:57:16

11 whether to keep access or remove access to the --

12 in the first column, the "NewsFeed API," and the

13 second column, the "Non-App-Friends data"; is that

14 right?

15 A. Yeah. 04:57:33

16 Q. And who -- who's making that

17 recommendations that's identified there?

18 A. The recommendation is in a -- in a deck

19 that I was involved in producing. But I don't

20 recall if there were other people involved in that 04:57:46

21 recommendation.

22 Q. And if you look at the first header on

23 the newsfeed API, so the read stream, it says -- or

24 I'm sorry -- the first type of app identified,

25 "Strategic mobile & replica apps." 04:58:06

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1 Do you see that? 04:58:09

2 A. I do.

3 Q. And the "Recommendation" is "keep  
4 access"?

5 A. I see that. 04:58:14

6 Q. Was that recommendation followed by  
7 Facebook?

8 A. The -- the -- the apps listed here, to  
9 me, look like mobile device integration partners,  
10 which is a program that continued after the 04:58:33  
11 announcement of API v2.

12 Q. So it appears that the recommendation was  
13 followed?

14 A. Well, what I understand happening is  
15 consistent -- ultimately is consistent with our 04:58:49  
16 recommendation.

17 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

22 Was that recommendation followed?

23 A. I don't know the specifics of -- of -- of  
24 whether or not that recommendation was followed.

25 It would require me to know on an individual app 04:59:13

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1 basis, which is -- is not something I have prepared 04:59:18  
2 to testify on.

3 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

7 MR. DAVIS: Objection. Form.

8 THE DEPONENT: Those apps are -- are  
9 listed in that category, but I -- I'm not a  
10 determiner of what was considered strategic or not. 04:59:44  
11 They are listed here under -- under that framing.

12 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

17 MR. DAVIS: Objection. Form.

18 THE DEPONENT: On a specific app-by-app  
19 basis, I have not revised exactly what happened  
20 with each of the apps listed here. 05:00:16

21 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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1 Do you see that? 05:00:32

2 A. Yeah.

3 Q. And then it says "Apps recently accessing  
4 the API," and then it says "Unknown due to  
5 instrumentation issues."

05:00:40

6 What -- what -- what does that refer to?

7 A. I don't recall exactly what those --  
8 what that -- what that means. So hard for me to  
9 say today, nine years later.

10 Q. And if you wanted to -- if Facebook  
11 wanted to answer that question, where would it go  
12 to get the answer?

05:00:55

13 A. Sorry.

14 Today? You're asking me today where  
15 would I go to answer the --

05:01:09

16 Q. Yeah.

17 A. Where would I go to answer the question  
18 to -- as in using the API today, or where would I  
19 go to answer the question who was using the API in  
20 2013?

05:01:19

21 Q. I -- I'm asking where you would go to  
22 develop an understanding of what you meant when you  
23 said "Unknown due to instrumentation issues."

24 A. I -- as the author of the deck speaking  
25 there, I -- the only person that would know likely

05:01:35

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1 is me. And I do not recall what those 05:01:40

2 instrumentation issues were.

3 Q. So for the newsfeed API, you were able to  
4 identify the apps recently accessing the API.

5 How did you do that? 05:01:51

6 A. I would have used the HiPal tool.

7 Q. And would you have attempted to do the  
8 same thing for identifying apps that recently  
9 accessed the non-app-friends data APIs?

10 A. I would have attempted to do the same 05:02:11

11 thing. But I am not a data scientist. And so  
12 my -- my skills of data are not the -- of a  
13 professional -- of a highly professional standard.  
14 I'm competent, but not a professional data  
15 scientist. 05:02:30

16 Q. Well -- okay. So if you look at the  
17 first category of apps on the "Non-App-Friends  
18 data" column, the first one is also "Strategic  
19 mobile & replica apps," and the "Recommendation" is  
20 "keep access." 05:02:45

21 Is it your -- did Facebook follow that  
22 recommendation?

23 MR. DAVIS: Object to the form.

24 THE DEPONENT: I cannot say if Facebook  
25 followed the recommendation. That would suggest 05:02:54

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1 that the recommendation was in itself listened to. 05:02:56

2 But as with my previous testimony on the  
3 first column, my understanding from this is that

4 [REDACTED]

5 integration partners, which was a separate program 05:03:14

6 that continued after the announcement of API v2.

7 And so my understanding is that is consistent with  
8 what ultimately happened.

9 Q. (By Mr. Loeser) And so for that

10 category, "Strategic, mobile and replica apps," 05:03:33

11 those companies continued to have access to friend  
12 permissions; is that right?

13 MR. DAVIS: Object to the form.

14 THE DEPONENT: As we've discussed

15 previously, the device integration partners had 05:03:49

16 access to a number of private APIs to allow them to  
17 build Facebook replacement clients on third-party  
18 devices.

19 Q. (By Mr. Loeser) And those private APIs

20 allowed access to -- to friends data, right? 05:04:05

21 A. Those private APIs allowed the third  
22 parties to build experiences that replicate the  
23 Facebook experience on those devices, which would  
24 have allowed them to include things like the  
25 newsfeed, which would have included friends data. 05:04:24

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1 Q. And also they had access to the -- to the 05:04:26  
2 friends permissions as well, right?

3 A. The way these -- the way that the  
4 Facebook replacement clients were implemented, they  
5 had access to the information. But the way that 05:04:40  
6 that information was granted was not through the  
7 standard Facebook login dialogue.

8 Q. Right. I understand that. But I'm  
9 just -- this is in a column for "Non-App-Friends  
10 data," and I just wanted to be clear that the 05:04:50  
11 "Strategic, mobile & replica apps" continued to  
12 have access to "Non-App-Friends data," right?

13 A. The apps listed here, yes, as I  
14 understand it, continue to have access to friends  
15 data after -- yes, continue to have access to 05:05:04  
16 friends data until -- until later.

17 Q. And -- and when you say "later," you mean  
18 after the API Graph version 2 was implemented?

19 A. After API version 2 is implemented, yes.

20 [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

25 Do you see that? 05:05:37

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1 A. I see that. 05:05:37

2 Q. And what were the special considerations  
3 that Facebook applied for dating apps?

4 A. Dating apps were seen as a good use case  
5 of the Facebook developer platform. And there was 05:05:52  
6 discussion about how to enable them to continue to  
7 provide a great user experience while minimizing  
8 the amount of information they needed to perform  
9 that function.

10 Q. So after the transition to Graph API 05:06:11  
11 version 2, or as it referred in this deck,  
12 platform 3, dating apps continued to have access to  
13 "Non-App-Friends data"?

14 MR. DAVIS: Objection. Form.

15 THE DEPONENT: That's -- dating 05:06:24  
16 apps were -- there was a new API built for dating  
17 apps that allowed them to continue to build  
18 recommendations without having any personally  
19 identifiable information available to them.

20 Q. (By Mr. Loeser) And so did those dating 05:06:43  
21 apps -- dating apps continue to have access to what  
22 is referred to on this slide as "Non-Apps-Friends  
23 data?

24 MR. DAVIS: Objection. Form.

25 THE DEPONENT: They had access to an API 05:06:56

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1 that gave them the ability to understand the number 05:06:58  
2 of mutual friends that people have in common  
3 without any personally identifiable information  
4 about those people being emitted.

5 Q. (By Mr. Loeser) And did it provide them 05:07:10  
6 with access to "Non-App-Friends data"?

7 MR. DAVIS: Objection. Form.

8 THE DEPONENT: Can you define for me in  
9 this context what you mean by "Non-App-Friends  
10 data"? 05:07:20

11 Q. (By Mr. Loeser) Well, what did you mean  
12 when you wrote that on the top of this slide?

13 A. Well, in this case, I'm referring  
14 specifically to a set of permissions and  
15 specifically to a set of example methods. 05:07:31

16 Dating apps did not have access -- my  
17 understanding is dating apps did not have access --  
18 in general, dating apps did not have access to  
19 those permissions or those -- and, therefore, able  
20 to use those methods to access friend data after 05:07:52  
21 the transition.

22 Q. But they did have access to some friends  
23 data after the transition?

24 MR. DAVIS: Objection. Form.

25 THE DEPONENT: As I've testified, my 05:08:04

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1 understanding is they had access to a new API that 05:08:05  
2 granted them the ability to understand mutual  
3 friends in common of two app users without having  
4 any personally identifiable information emitted.

5 That's very different in form to the rest 05:08:21  
6 of how the friends data and friends permissions  
7 worked.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] 05:08:26

11 [REDACTED]

12 Is that -- is that how Facebook proceeded  
13 with regard to the apps identified on your slide  
14 here as "Other Strategic"?

15 A. Again, on -- on a -- on a specific 05:08:57  
16 app-by-app basis, I don't -- I don't know here  
17 today, in my head, what happened to each of the --  
18 the apps listed here.

19 Q. And then if you look at the next slide,  
20 there's a whole slide devoted to the topic of 05:09:12  
21 "Strategic Partners & Exceptions."

22 Does this help you understand what  
23 Facebook means by strategic partners?

24 A. There are certainly some examples here  
25 that are -- that seem to be classified as the 05:09:26

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1 strategic partners. 05:09:29

2 But, again, to determine whether or  
3 not -- I was not at this time the person  
4 determining whether or not these were seen as  
5 strategic partners. 05:09:37

6 Q. And -- and Facebook -- having looked at  
7 this slide on behalf -- you cannot testify on  
8 behalf of Facebook, as its designee, what Facebook  
9 means by strategic partners?

10 A. This slide is written by a person in the 05:09:57  
11 partnerships team and -- and representative of the  
12 partnerships team's opinions, so I think it's  
13 consistent with what the partnerships team would  
14 have defined as a strategic partner.

15 Q. Okay. Why don't we look at the next 05:10:13  
16 slide.

17 Here's another entire slide devoted to  
18 identification of strategic partners and  
19 exceptions.

20 Do you see that? 05:10:20

21 A. I do.

22 Q. And does that help you, as Facebook's  
23 designee, to describe for me what Facebook means by  
24 strategic partners?

25 A. Again, this is what I think the strategic 05:10:29

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1 partnerships team were to classify as strategic 05:10:31  
2 partners.

3 Q. Okay. Let's look at the next slide.

4 This is another entire slide devoted to  
5 the topic of strategic partners and exceptions. 05:10:40

6 Does this help you, as Facebook's  
7 designee, to testify as to what Facebook means by  
8 strategic partners?

9 A. This helps me identify that these are  
10 partners that the platform partnerships team would 05:10:54  
11 have designated as strategic partners.

12 Q. And is there some other organization at  
13 Facebook that would -- that would also weigh in on  
14 how Facebook classifies partners as strategic?

15 MR. DAVIS: Objection. Form. 05:11:13

16 THE DEPONENT: There are several  
17 partnerships teams at Facebook working on different  
18 types of things. Each of them would maybe have had  
19 their own designation of what partners meant and  
20 which would -- and -- and how to categorize them. 05:11:30

21 There wasn't just one partnerships team at  
22 Facebook.

23 Q. (By Mr. Loeser) And so if you, as  
24 Facebook's corporate designee, wanted to develop a  
25 complete understanding of what Facebook means by 05:11:39

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1 strategic partners, where are all the places that 05:11:42

2 you would go for that answer?

3 MR. DAVIS: Object to the form.

4 THE DEPONENT: I'm not sure. It would be

5 possible to develop a full understanding -- a full 05:11:53

6 list of different teams of the company that may or

7 may not classify -- that work -- classify partners

8 and may or may not classify them as strategic.

9 MR. LOESER: Okay. We can go to the next

10 exhibit. 05:12:17

11 MR. DAVIS: Mr. Loeser, we've been going

12 about an hour and a half. Would this be an

13 opportune time for a short break?

14 MR. LOESER: Sure. That's fine.

15 Ten minutes. 05:12:23

16 SPECIAL MASTER GARRIE: Wait. Before

17 we -- we do that, Mr. -- Mr. Cross, how long would

18 you like?

19 MR. LOESER: Rebecca --

20 THE DEPONENT: Ten minutes is good for 05:12:35

21 me.

22 SPECIAL MASTER GARRIE: And Rebecca, does

23 ten minutes work for you?

24 THE COURT REPORTER: Yes.

25 SPECIAL MASTER GARRIE: You're very 05:12:39

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1 important to this whole process. Your happiness is 05:12:39  
2 critical to the entire transaction.

3 MS. DAVIS: Off the record.

4 (Discussion off the stenographic record.)

5 THE VIDEOGRAPHER: Okay. We're off the 05:13:00  
6 record. It's 5:13 p.m.

7 (Recess taken.)

8 THE VIDEOGRAPHER: We're back on the  
9 record. It's 5:36 p.m.

10 Q. (By Mr. Loeser) Mr. Cross, previously, 05:36:19  
11 when I was asking you about who made the decision  
12 about how to decide which partners would continue  
13 to have access to friend data, you mentioned the --  
14 the platform leadership team, in addition to the  
15 platform partnership group; is that right? 05:36:36

16 A. The platform leadership team -- the  
17 platform product leadership team would have been  
18 involved in those conversations.

19 Q. And who at the platform -- I'm sorry.

20 What is the full name of that group, the 05:36:53  
21 platform -- platform leadership...

22 A. So just the Facebook platform team, that  
23 would have been the name of it. And then the kind  
24 of -- the leadership team would have been -- the --  
25 the senior product and engineering people as part 05:37:08

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1 of that group. 05:37:11

2 Q. And who were those people?

3 A. Some names that come to mind, I can't --

4 well, I -- can't be specific as to time. But some

5 names that come to mind around the time of this 05:37:29

6 period, 2013 to 2015, Mike Vernal, Doug Purdy,

7 Ilya Sukhar and Vladimir Fedorov.

8 MR. LOESER: Okay. Thank you.

9 If we can put up what's previously been

10 marked as Exhibit 20. 05:37:49

11 Q. (By Mr. Loeser) And Mr. Cross, you

12 should be looking at Exhibit 20, which is an email

13 from you to a number of people.

14 First in the list is Quinn Duffy and also

15 Namita Gupta and Amir Naor and KP, among others, 05:38:37

16 with a cc to Eddie O'Neil.

17 The subject is "Capabilities Tool,

18 improvement requests - feedback by EOD Sunday,

19 please" with the attachment "Capability Audit

20 24 Oct 2013.xlsx." 05:38:51

21 Do you see that?

22 A. I do.

23 Q. And the date of your email is

24 October 24th, 2013; is that correct?

25 A. That's correct. 05:39:02

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1 Q. And I'll read -- the first paragraph of 05:39:02  
2 your email states "Over the last few weeks, you'll  
3 have noticed Engineering have moved many app-based  
4 GKs over to the new Capabilities tool."

5 What are app-based GKs? 05:39:15

6 A. So as we previously talked about, GK  
7 refers to gatekeeper, which is a tool inside  
8 Facebook. And app-based GK is a gatekeeper that  
9 takes an app ID as an input rather than a user ID,  
10 for example. 05:39:34

11 Q. And you write "Going" -- thank you.

12 "Going forward, this tool is going to be  
13 a much" part much -- I'm sorry -- "to be a much  
14 larger part of our lives - its where the vast  
15 majority of whitelists will be managed." 05:39:45

16 Is that, in fact, what -- what happened,  
17 is that -- and I think you testified about this on  
18 Monday -- the capabilities tool became the place  
19 where the vast majority of whitelists were managed,  
20 right? 05:40:00

21 A. Our intention at the time was to make the  
22 capability tool the -- the way the -- what platform  
23 application whitelists were managed. That was  
24 the -- that -- that was the plan for the  
25 capabilities tool over time. 05:40:14

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1

2

3

4

5

6

Did I read that correctly?

7

A. You did read that correctly.

8

Q. And is platform simplification there a

9

team or an event?

10

A. Neither. Platform simplification refers

05:40:41

11

to the program of work, I guess you would call it,

12

that ultimately came to be the changes we launched

13

on April 30th, 2014, otherwise as known as

14

platform 3.0.

15

Q. Okay. And did platform simpli- --

05:41:02

16

simplification, in fact, introduce even more

17

whitelists?

18

A. It introduced -- as a result, there were

19

a small number of additional whitelists added, but

20

not a large number.

05:41:18

21

My recollection at the time, in my

22

personal capacity here, is that the expectation was

23

that there would be -- the expectation I had is

24

that we might need a -- a number of new whitelists.

25

In actual fact, a very small number were

05:41:40

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1 ultimately needed due to the decisions taken as to 05:41:43  
2 how the changes would be rolled out.

3 Q. And how many whitelists were introduced  
4 to continue -- to enable apps to continue using  
5 read stream or friends permission? 05:41:56

6 A. I couldn't tell you today exactly how  
7 many new capabilities were added to the capability  
8 tool.

9 Q. And where would Facebook go to get an  
10 answer to that question? 05:42:09

11 A. I would go and ask the platform  
12 engineering team to see if they could determine  
13 which capabilities were added and when.

14 Q. And that's not something that you did to  
15 prepare for your testimony today? 05:42:26

16 A. I talked to the platform engineering team  
17 about a number of issues, but not the specific  
18 question of exactly how many new capabilities were  
19 added back in 2013, '14.

20 MR. LOESER: And I'm going to ask really 05:42:44  
21 you, but through your counsel, since we'll be back  
22 on Monday, if that's a question that you could  
23 obtain an answer for, since it's clearly under the  
24 heading of the whitelisting topic that is indicated  
25 in your notice. 05:42:59

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1 MR. BLUME: Noted. And we can discuss it 05:43:02  
2 offline.

3 MR. LOESER: So let's go to the next  
4 exhibit, which is previously been marked  
5 Exhibit 13. 05:43:12

6 Q. (By Mr. Loeser) And Mr. Cross, we are  
7 showing you what's previously been marked  
8 Exhibit 13, which is an email from you to  
9 Jackie Chang, Ime Archibong, KP, Bryan Hurren and  
10 Monica Mosseri. 05:43:56

11 Do you see that?

12 A. I do.

13 Q. And the date of the email is  
14 December 10th, 2013. And the subject is "Re:  
15 Simon's Updates - 6th Dec." 05:44:02

16 Do you see that?

17 A. I do.

18 Q. Who is Bryan Hurren?

19 A. Bryan Hurren was, if I recall correctly,  
20 a strategic partner manager on the platform 05:44:16  
21 partnerships team.

22 Q. So there's a group at Facebook that is  
23 referred to as the strategic partner group?

24 A. The job title I recall having -- that  
25 these folks had at the time -- including I had at 05:44:31

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1 the time -- was strategic partner manager and -- 05:44:35  
2 and the platform partnerships team was the team you  
3 were part of.

4 Q. And I'm sorry, did you say that you were  
5 part of the strategic -- strategic partner group as 05:44:44  
6 well?

7 A. At this time I was a partner manager on  
8 the platform partnerships team, yes.

9 Q. The strategic partnership team?

10 A. The name of the team was the -- I -- I 05:44:58  
11 recall the name of the team being the platform  
12 partnerships team.

13 Q. Okay. And is that the same team that  
14 Bryan Hurren was on?

15 A. Yes. 05:45:11

16 Q. Who is Monica Mosseri?

17 A. She was another partner manager on the  
18 team.

19 Q. So now this -- the subject of this email  
20 is indicated "Simon's Updates." 05:45:28

21 Were -- were you creating regular updates  
22 regarding platform simplification?

23 A. I -- I was involved in updating my team  
24 about the things I was working on, and platform  
25 simplification was one of the things I was working 05:45:50

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1 on at the time. 05:45:55

2 Q. Okay. So let's go to the -- the third  
3 page of this email string. The Bates on this page  
4 is FB-CA-MDL-00200698. And the heading I'm looking  
5 at is "Platform Simplification."

05:46:09

6 And if you look under that heading, can  
7 you read the third bullet in that -- under that  
8 heading?

9

[REDACTED]

20 A. Well, first of all, the -- it doesn't -- 05:47:04

21 the new whitelist doesn't necessarily mean friend  
22 data, right. You need to be specific about that.  
23 Whitelist and friends data are not synonyms.

24 The -- what's on the slide deck here is,  
25 again, in a personal capacity, me talking about an

05:47:21

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1 initiative that was proposed to be done in the 05:47:27  
2 coming week.

3 Q. Okay. And -- and thank you for  
4 clarification on -- on friends data. The project  
5 was broader than that. 05:47:37

6 This was looking at the -- the -- the  
7 permissions that would be deprecated more broadly  
8 in the platform simplifications process, right?

9 A. The platform simplification at this time,  
10 which again is several months before it happened, 05:47:55  
11 and a lot changed between then and the  
12 announcement.

13 What I'm referring to here is -- is the  
14 broader package of work, which included a large  
15 number of other changes to the API as well. 05:48:08

16 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

24 Q. And if Facebook wanted to be able to  
25 testify as to whether there was work done to 05:48:48

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1 preapprove apps for the new whitelist, how would 05:48:50

2 Facebook go about getting that information?

3 MR. BLUME: Objection. Form.

4 THE DEPONENT: I would try and see if any

5 documents existed from the time that would pertain 05:49:09

6 to such an effort. I -- again, like -- I don't

7 think the -- what -- what you're seeing in this

8 email and the previous slide deck is a bunch of

9 people trying to figure this out, very differently

10 from what ultimately happened and transpiring. 05:49:33

11 So to answer your question, where would I

12 go. I would go and speak to the -- the other

13 people on this thread, if they still exist, and see

14 if they recall any documents that were produced

15 around this time that might pertain to this bullet. 05:49:50

16 I do not recall --

17 Q. (By Mr. Loeser) And you haven't --

18 A. Sorry. Go on.

19 Q. No, go ahead. I'm sorry.

20 A. I -- I do not recall pre-approving or 05:50:01

21 being involved in pre-approving apps for -- for the

22 new whitelists at this time.

23 Q. And you did not go talk to any of the

24 persons on this thread in order to identify whether

25 any apps were pre-approved for the new whitelists? 05:50:23

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4                   Specifically, as the next step, I'm not  
5   sure I've seen a bullet that -- that talks about                   05:50:39  
6   what happened after this.  And I don't -- I don't  
7   recall what my next -- what my next actions were.

12           A.    We didn't -- I didn't talk about  
13           pre-approving because that's not -- doesn't  
14           resonate with me as a concept at the time.

19 Q. And can you read the last bullet on your  
20 list here. 05:51:32

23 Q. And did Jackie lead on putting together a  
24 new whitelist process with legal and product?

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1 might want to ask her. 05:51:49

2 Q. And that would be the natural way to find  
3 out what Jackie did, right?

4 A. That would be a reasonable thing to do.

5 Q. And -- and is that what Facebook would 05:52:01  
6 do, if Facebook wanted to answer the question  
7 whether Jackie led on putting together a new  
8 whitelist process with legal and product?

9 MR. BLUME: Objection. Form.

10 THE DEPONENT: To that very specific 05:52:14  
11 question, it might -- if Jackie was -- if I -- if  
12 Jackie was available, then speaking to her about  
13 that might -- might be a way to get clarity. But  
14 it's not certain, given it would be relying on her  
15 recommendation -- her recollection. 05:52:32

16 Q. (By Mr. Loeser) Let's go to the next --  
17 go up the string to the email from you dated  
18 November 25th, 2013. "Subject: Re: Simon's  
19 Updates - 22nd Nov."

20 So this is another update you provided 05:52:53  
21 about the work that you were doing at the time,  
22 right?

23 A. Yes.

24 Q. Okay. And if you go down to the portion  
25 of that -- it's on the next page of your update -- 05:53:08

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1 there's, again, a heading "Platform 05:53:12

2 Simplification."

3 Do you see that?

4 A. Uh-huh.

5 Q. And I'll read the second bullet. 05:53:23

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED]

12 Do you see that?

13 A. I do see that.

14 Q. So your earlier email we went through was

15 on October 28th -- I'm sorry -- went through the 05:53:46

16 8th of November email, in which you indicate

17 "Jackie is leading on putting together a new

18 whitelist process for Legal and Product," right?

19 A. Yeah.

20 Q. All right. And this email, a little bit 05:53:57

21 later in time, you provide an update on what Jackie

22 was doing, right?

23 A. It looks that way.

24 Thank you for scrolling up.

25 [REDACTED] [REDACTED]

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A. I honestly don't recall what Jackie did.  
And I think, again, the best -- the best way to  
understand -- understand that would be to ask her.

05:54:27

I do not recall what -- what she did or  
what the outcome was. And I don't recall anything  
that -- outputting from this being ultimately used  
a year and a half later.

MR. BLUME: Objection. Scope. Form.

THE DEPONENT: Yeah. I'm not sure I can  
answer that in -- in Facebook's capacity. I'm not  
sure there was a -- a single process for  
whitelisting apps.

05:55:05

I can talk in a personal capacity about  
my involvement at the time, which was to improve  
the capability tool as to how whitelists were  
requested and granted.

05:55:27

Q. (By Mr. Loeser) And other than what  
you've previously -- previously testified to, is  
there a -- was there a process for whitelisting  
apps that -- that was adopted by Facebook?

05:55:57

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1 MR. BLUME: Objection. Scope and form. 05:56:01

2 THE DEPONENT: There was a -- a technical

3 process for whitelisting apps which allowed --

4 which enabled a -- which was implemented through

5 the capabilities tool. 05:56:16

6 Q. (By Mr. Loeser) And was there a formal

7 document or protocol to be used when deciding what

8 apps to whitelist?

9 A. I do not recall a -- a formal document or

10 protocol. And it did -- deciding -- well, let 05:56:32

11 me -- let me wind back.

12 Deciding to whitelist for what?

13 Q. For permissions that were going to be

14 deprecated with the transition to platform 3.

15 A. So the -- the -- so specifically, 05:56:56

16 extensions to the Graph API -- API v1 deprecation?

17 Q. Yes.

18 A. The -- and so what was your original

19 question?

20 I'm sorry. I want to make sure I answer 05:57:15

21 it.

22 Q. Sure.

23 Was there a formal document or protocol

24 to be used when deciding what apps to whitelist?

25 A. I don't recall there being a formal 05:57:28

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1 document or protocol. 05:57:29

2 Q. And if Facebook were to answer that  
3 question, where would Facebook go to identify an  
4 answer?

5 MR. BLUME: Objection. Form. 05:57:45

6 THE DEPONENT: I would attempt to speak  
7 to -- to Jackie potentially and -- and maybe Eddie  
8 as if to -- their recollection as -- as to how this  
9 process was -- was managed.

10 Q. (By Mr. Loeser) And -- and you did not 05:58:02  
11 do that to testify -- to prepare yourself to  
12 testify today, is that right, about this particular  
13 topic?

14 A. I talked to Eddie, Ime and a few other  
15 people to ask on their recollection of -- of -- of 05:58:17  
16 how -- specifically why we decided -- why  
17 partners -- their recollection as to why certain  
18 entities were granted extensions, and I reviewed  
19 some internal documents on the topic.

20 Q. But you didn't ask them if there was a 05:58:42  
21 formal document or protocol to be used when making  
22 whitelisting decisions?

23 A. I did not ask them that specific  
24 question.

25 MR. LOESER: And similar to what I said 05:58:51

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1 before, and via your counsel, if that's a question 05:58:53  
2 you could be prepared to answer when we come back  
3 on Monday, that would be useful for this process.

4 MR. BLUME: Noted.

5 Q. (By Mr. Loeser) Okay. So let's look at 05:59:09  
6 the -- let's look at the next bullet on your update  
7 here.

8 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

15 Do you see that? 05:59:32

16 A. I do see that.

17 Q. And so these 54 new capabilities were  
18 necessary to allow Facebook to whitelist partners  
19 past the public deprecations; is that right?

20 A. I -- the -- the email references 54 new 05:59:47  
21 capabilities. I do not recall, again, personal  
22 veracity, that those were created.

23 Q. And so in order to allow Facebook to  
24 whitelist partners past the public deprecations,  
25 Facebook obviously had to do some advance work 06:00:14

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1 before the new platform was introduced; is that 06:00:18  
2 right?

3 A. There was work done to ensure that as the  
4 platform announcements were made, that we had tools  
5 to control the rollout. 06:00:35

6 Q. And it took some time to develop the  
7 tools that would enable certain apps and partners  
8 to have access to the publicly deprecated  
9 permissions after the rollout of the new platform;  
10 is that right? 06:00:51

11 A. It would have taken an engineer some time  
12 to write some code, yes.

13 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 And those were decisions that needed to  
17 be made in advance of the rollout of the platform  
18 as well; is that right?

19 A. No.

20 Q. Okay. Did Facebook make decisions about 06:01:15  
21 no extension and -- no/extension/exemption  
22 decisions in advance of the rollout of  
23 platform 3.0?

24 A. I do not recall extension, exemptions  
25 decisions being made before the rollout of the 06:01:36

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1 platform. It's possible that there was some 06:01:39  
2 opinions about what would be done. But remember,  
3 the rollout took a year and the discussions about  
4 extensions were towards the end of that period.

5 Q. And what about exemptions, when did those 06:02:04  
6 discussions start?

7 A. The -- you're talking there really about  
8 the integration partners, which was considered  
9 separate from this process.

10 Q. And so Facebook interprets exemption to 06:02:23  
11 refer solely and specifically to integration  
12 partners?

13 MR. BLUME: Objection.

14 THE DEPONENT: In this case -- sorry. Go  
15 on, Rob. 06:02:35

16 MR. BLUME: Objection. Form.

17

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25 separate process. This is referring to the public 06:03:12

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1 platform. 06:03:16

2 Q. (By Mr. Loeser) And so did Facebook give  
3 integration partners extensions or exceptions?

4 A. Inte- -- integration partners had access  
5 to private APIs and permissions on top of what the 06:03:27  
6 standard API offered regular developers. And that  
7 was considered access to continue, separate to the  
8 API changes that were being made for the public  
9 developer platform.

10 Q. And -- and other than integration 06:03:54  
11 partners, were there partners that -- that fell  
12 into that -- that category?

13 A. My understanding is that the -- the  
14 integration partners, the -- the apps that were  
15 intended to have longer term access to this 06:04:13  
16 information.

17 Q. Okay. And -- and Facebook's testimony is  
18 that there were not other types of partners that  
19 had longer term access to the publicly deprecated  
20 permission? 06:04:28

21 MR. BLUME: Object to form.

22 THE DEPONENT: My understanding is that  
23 outside of the integration partners only --  
24 ultimately, only temporary extensions were -- were  
25 granted. 06:04:43

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1 Q. (By Mr. Loeser) And integration partners 06:04:44  
2 weren't the only type of partners with private  
3 APIs, were they?

4 MR. BLUME: Objection. Scope and form.

5 THE DEPONENT: Yeah. I'm -- I'm not 06:04:55  
6 sure -- I'm not -- not sure what you mean.

7 Sorry. Can you ask a more precise  
8 question.

9 Q. (By Mr. Loeser) Well, you said -- you  
10 testified integration partners had access to 06:05:01  
11 private APIs and permissions.

12 And what did you mean by that?

13 A. So many of the -- many of the -- there  
14 were a number of developers that had integrations  
15 with the Facebook developer platform that were 06:05:37  
16 nonstandard, not things that public developers  
17 could build. To enable those integrations, they  
18 would have had some additional capabilities. And  
19 that -- those developers and those integrations  
20 were seen as separate to the deprecations of API v1 06:06:00  
21 and v2, and rollout to v2.

22 Q. Yeah. I just want to make sure the  
23 record is clear.

24 You said that integration partners had  
25 that -- went through that process. And I'm asking 06:06:15

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1 you are there other types of partners that had 06:06:18  
2 access to -- to private APIs that enabled something  
3 similar for them?

4 A. My understanding that integration  
5 partners refers to any partner at the limit who had 06:06:30  
6 some kind of private API access.

7 Q. If we go to page 3 of this string, back  
8 to your November 8th update -- I'm sorry. We're  
9 going to go to page 5 of the string. And we're  
10 moving back to an October 11th, 2013, update on 06:06:57  
11 "Platform Simplification."

12 There's a bullet here, "Dev Chakravarti  
13 joined the team as a data analyst - helped him ramp  
14 up on how to analyze the effects of PS12n on the  
15 whole ecosystem." 06:07:14

16 Explain who he is and what you asked him  
17 to do.

18 A. I do not recall Dev Chakravarti, and I do  
19 not recall what I asked him to do.

20 Q. I gather Facebook evaluated the effects 06:07:34  
21 of PS12 and on the whole ecosystem.

22 And for the record, PS12n is another way  
23 of describing the transition to Graph API  
24 version 2, right?

25 A. PS12n refers to platform simplification, 06:07:47

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1 which refers to the package of work that ultimately 06:07:49  
2 resulted in what was announced on April 30th, 2014,  
3 yes.

4 Q. Okay. So Facebook evaluated the effects  
5 of PS12n on the whole ecosystem? 06:08:01

6 MR. BLUME: Objection. Beyond the scope.  
7 And form.

8 THE DEPONENT: I can't confirm what did  
9 or did not happen. There's an email that says that  
10 I helped this person ramp up. But it doesn't 06:08:16  
11 confirm if any analysis or -- was done or what was  
12 found.

13 Q. (By Mr. Loeser) So if Facebook wanted to  
14 answer the question, "Did you analyze the effects  
15 of PS12n on the whole ecosystem," what would 06:08:29  
16 Facebook do to find an answer to that question?

17 MR. BLUME: Objection. Scope. Form.

18 THE DEPONENT: I would attempt to see if  
19 Dev Chakravarti was still at the company. And I  
20 would look for documents around this time that were 06:08:46  
21 analysis or -- or pertained to be analysis of the  
22 potential impacts of PS12n.

23 But you asked me a specific question as  
24 to whether or not he did an analysis, and I cannot  
25 confirm if he did any analysis. 06:09:06

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1 Q. (By Mr. Loeser) Okay. Going -- going 06:09:08  
2 back to your answer right before that statement, to  
3 prepare for your testimony today, did you ask  
4 anyone whether Facebook analyzed the effects of  
5 PS12 on the whole ecosystem? 06:09:21

6 A. I asked people as to if they recall  
7 impact sizing being done. I didn't -- this --  
8 your -- your specific question about the whole  
9 ecosystem is a very specific one.

10 I spoke to people about their 06:09:38  
11 recollections as to what analysis was done in  
12 advance of the changes. And I reviewed several  
13 documents that could be construed as impact  
14 analysis.

15 MR. LOESER: Okay. Thank you. 06:09:53

16 And -- and I saw that in your notes and  
17 we'll come -- we'll get to that in -- in a little  
18 bit.

19 So thank you for that answer.

20 Let's go to the next exhibit which is a 06:10:01  
21 new exhibit, which you'll see in a moment.

22 It's marked -- we're going to mark it  
23 with a new number, 338.

24

25 ///// 06:10:29

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1 (Exhibit 338 was marked for 06:10:29  
2 identification by the court reporter and is  
3 attached hereto.)

4 Q. (By Mr. Loeser) And momentarily,  
5 Mr. Cross, you'll see an email from KP to 06:10:40  
6 Monica Mosseri, dated 12/10/2013. "Subject:  
7 Re: PS12n Criteria Review," with an attachment  
8 "Criteria for whitelist MWv1\_kp edits.pptx."

9 You let me know when you can see that.

10 A. Yeah, I see it. 06:11:10

11 Q. And you'll see that KP starts his email,  
12 "Hello Monica, This is awesome! Great framework."

13 Do you see that?

14 A. I do see that.

15 Q. And then he -- based on this, it appears 06:11:24  
16 that he reviewed slides that she prepared and  
17 provided some edits and comments; is that right?

18 A. That's a reasonable interpretation of  
19 what KP said.

20 Q. And if we move down this email string, 06:11:36  
21 you'll see at the beginning there's an email from  
22 Monica Mosseri to KP, dated December 10th, 2013,  
23 with the "Subject: PS12n Criteria Review."

24 Do you see that?

25 A. I do see that. 06:11:53

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1 Q. She writes, "Hey KP, I am in the final 06:11:54  
2 stages of the Whitelist Criteria Review (1a in  
3 Simon's graphic) and need your help. I can set up  
4 time over VC if that is easier let me know."

5 Did I read that correctly? 06:12:09

6 A. You read that correctly.

7 Q. So based on this, Monica Mosseri was  
8 involved in a whitelist criteria review as part of  
9 the introduction of PS12n or platform 3; is that  
10 right? 06:12:25

11 MR. BLUME: Objection. Form.

12 THE DEPONENT: It says what she was  
13 involved in here. I don't want to answer on behalf  
14 of the company. We should just read what she has.

15 Q. (By Mr. Loeser) Okay. And so Facebook 06:12:37  
16 did a whitelist criteria review as part of the  
17 introduction of platform 3.0?

18 A. I don't think it's appropriate to say  
19 Facebook did. Monica seems to have done a piece of  
20 work of that nature. But I don't recall what it 06:12:56  
21 is.

22 Q. And she worked for Facebook at the time,  
23 right?

24 A. She worked for Facebook at the time.

25 Q. So you've said a lot that -- something 06:13:09

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1 along the lines of "I'm not sure that Facebook did 06:13:12  
2 this. But this is what this person did."

3 Are you -- are you saying to me that when  
4 a Facebook employee engages in a project in  
5 connection with her work, that that's not something 06:13:21  
6 that Facebook did?

7 A. Perhaps I'm --

8 MR. BLUME: Objection to form.

9 THE DEPONENT: Perhaps I'm just  
10 misrepresenting how that question should be 06:13:35  
11 answered. My apologies.

12 Q. (By Mr. Loeser) Okay. And -- and I'm  
13 not -- I'm not trying to make you uncomfortable.  
14 I'm just -- I want to be clear that we're talking  
15 about a Facebook employee doing work for Facebook. 06:13:48

16 And you're not saying something other  
17 than that, right?

18 A. No, this is a Facebook employee --  
19 sorry, Rob. You were going to say something?

20 MR. BLUME: I was going to say, 06:13:57  
21 objection, to the extent it calls for a legal  
22 conclusion.

23 THE DEPONENT: Okay. Yeah, I -- I -- I  
24 can say that Monica was a Facebook employee and  
25 it -- it appears by this email that she's -- 06:14:07

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1 she's -- she's doing some work, and it would be 06:14:10  
2 reasonable to say it's in con- -- coherent with her  
3 duties.

4 Q. (By Mr. Loeser) And if you look at No. 1

5 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

14 Did I -- did I read that accurately?

15 A. I think you read that accurately. 06:14:59

16 Q. So based upon this, it appears that a  
17 whitelist criteria review was done to determine  
18 which apps should be whitelisted, right?

19 A. No, that doesn't -- that's not a  
20 conclusion you can directly draw from this. 06:15:16

21 She's saying she's in the final stages of  
22 a whitelist criteria review. I don't know what --  
23 I don't recall what she meant by that. And it  
24 doesn't mean that necessarily apps were categorized  
25 against that criteria. I just don't know what this 06:15:35

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1 work was, sitting here today. 06:15:40

2 Q. So fair to say that a whitelist criteria  
3 review was a review of whitelist criteria?

4 MR. BLUME: Objection. Form.

5 THE DEPONENT: She's -- it's hard to know 06:15:54

6 what she means. She's in the final state -- she  
7 says here she's in the final stages of something.

8 But I -- again, I don't know what that means.

9 There was some process underway, but I'm -- I'm not  
10 aware, sitting here today, of what that was. 06:16:12

11 Q. (By Mr. Loeser) And -- and Mr. Cross,  
12 what relationship does the whitelist criteria  
13 review have to the work that KP referred as  
14 Jackie Chang's format for partnership positions?

15 MR. BLUME: Objection. Form. Scope. 06:16:33

16 THE DEPONENT: Sorry. Can you frame that  
17 a bit again? I'm not sure I make the connection  
18 you're making.

19 Q. (By Mr. Loeser) Sure.

20 We went through some email that discussed 06:16:44

21 Jackie Chang's recommendations regarding a format  
22 for how to treat different types of partners in the  
23 transition to the new platform. KP referred to  
24 that as Jackie's format.

25 And I'm asking you what the relationship 06:17:02

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3           A. I don't know the relationship between  
4   those two things.

16 MR. BLUME: Objection. Scope. And form.

17 THE DEPONENT: There's no standard  
18 definition at the company of what "significant  
19 impact" would mean.

20	Significant is subjective. And impact	06:18:01
21	could mean many different things in many different	
22	contexts.	

23 Oh, I can say in a -- in a personal  
24 capacity here, having been involved to some degree,  
25 is the types of things that would be considered 06:18:18

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1 here might be reputational concerns and platform -- 06:18:22  
2 like user significant -- user -- user experience  
3 concerns by developers removing integrations that  
4 users found valuable.

5 Q. (By Mr. Loeser) And any other -- 06:18:43  
6 anything else that Facebook would consider a  
7 significant impact to Facebook if particular apps  
8 were shut down as a result of the introduction of  
9 platform 3.0?

10 MR. BLUME: Objection. Scope. And form. 06:19:05

11 THE DEPONENT: Again, I don't feel I can  
12 answer on Facebook's behalf. There's no standard  
13 definition for significant. And there's no  
14 significant -- there's no standard definition  
15 for -- for impact. So I -- I -- I don't feel I can 06:19:17  
16 define that on Facebook's behalf.

17 Q. (By Mr. Loeser) Okay. But nonetheless,  
18 you gave one example, which was reputational  
19 concern.

20 That could be a significant impact for 06:19:29  
21 Facebook?

22 A. In my personal capacity, having worked on  
23 this stuff, that might be considered impact because  
24 of these changes.

25 I gave a second example as well, which is 06:19:41

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1 user experience changes as a result of the changes 06:19:46  
2 and how the API worked and the experiences that  
3 developers would be able to build.

4 [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

14 Q. And do you know who's on that team -- who  
15 was on at this time? 06:20:27

16 A. I know some of the people that are on it  
17 at this time. But the -- the people on that team  
18 has changed over -- over the years, as you may  
19 expect.

20 Q. Okay. Who were some of the people that 06:20:37  
21 were on at this time?

22 A. On it at this time?

23 Q. Yeah.

24 A. Sorry.

25 I know who's on it -- I know some of the 06:20:44

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1 people on it today. But I'm not sure who would 06:20:47  
2 have been on it at this time.

3 [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

14 MR. BLUME: Objection. Form. Scope.

15 THE DEPONENT: I don't know what it means 06:21:28  
16 specifically to have a strategic relationship  
17 with -- with Zuck and M Team.

18 There's no company definition for -- for  
19 what that would mean. So I -- I cannot -- I don't  
20 feel I can accurately answer that question on 06:21:43  
21 behalf of the company.

22 Q. (By Mr. Loeser) And if you move down  
23 Ms. Mosseri's email a little bit under No. 2, it

24 [REDACTED]  
[REDACTED] [REDACTED]

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1

2

3

4

5

MR. BLUME: Objection. Scope. Form.

06:22:12

6

THE DEPONENT: I don't know what Face- --

7

I don't know what Monica means by -- by top

8

partners. That could mean a whole bunch of

9

different things, depending on the context.

10

Q. (By Mr. Loeser) And the reference to

06:22:25

11

exemptions or extensions, that -- that is with

12

regard to the -- to changes that would occur with

13

the introduction of platform 3.0?

14

A. Given the timeline of the -- of the

15

email, I think it's reasonable to -- to -- to

06:22:39

16

conclude that's what she meant.

17

But, again, as I've said multiple times

18

here, I think the -- the frame of mind of the team

19

in 2013, when the nature of the changes was still

20

in flux and the expected exact -- exact -- exact

06:23:04

21

set of changes and the way in they were rolled out

22

drastically differed from what ultimately ended up

23

happening.

24

So you're seeing a bunch of people here

25

as -- as I mentioned before, attempting to -- to

06:23:22

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1 prepare for -- for something where the actuality 06:23:25  
2 was quite different.

3 Q. Okay. And so on that same No. 2,  
4 Ms. Mosseri writes -- and this is to KP -- "Can you  
5 help me assess the losses (rev and data)" -- "rev" 06:23:42  
6 refers to revenue there; is that right?

7 MR. BLUME: Objection. Form. Scope.

8 THE DEPONENT: I can't confirm what  
9 revenue means in this context.

10 Q. (By Mr. Loeser) Okay. Well, let's just 06:23:57  
11 read it into the record.

12 "Can you help me assess the losses (rev  
13 and data) and whether we will make an  
14 exemption/extension for the following apps?"

15 And then the following apps it appears 06:24:09

16 

17 that -- did I read that correctly?

18 A. The formatting is a little messed up. So  
19 it's not 100 percent clear that that's -- that --  
20 that's what naturally follows. But it's not 06:24:24  
21 unreasonable to -- to think that's the case.

22 Q. Okay. And so it looks like Ms. Mosseri  
23 was asking KP if he can help her assess the losses  
24 and -- whether Facebook will make an exemption or  
25 extension for particular apps. 06:24:40

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1 And this, again, is in connection with 06:24:42  
2 the implementation of platform 3.0, right?

3 MR. BLUME: Objection. Form. Scope.

4 THE DEPONENT: I can't confirm exactly  
5 what these folks meant. We should speak to them. 06:24:53  
6 But it looks like that's the discussion they're  
7 having given the subject of the email.

8 MR. LOESER: Let's go to the next  
9 exhibit, which is the slide deck that -- that  
10 Ms. Mosseri sent to KP, attached to the email that 06:25:12  
11 we just went through on December 10th, 2013. And  
12 this will be another new exhibit.

13 (Exhibit 339 was marked for  
14 identification by the court reporter and is  
15 attached hereto.) 06:25:27

16 Q. (By Mr. Loeser) And I represent to you,  
17 Mr. Cross, that this is the attachment to  
18 Ms. Mosseri's email.

19 And you'll remember in KP's response he  
20 indicated that he made some notes and provided some 06:25:56  
21 comments on her slide deck.

22 Do you recall that?

23 A. Yes, I do.

24 Q. Okay. So if we go to the -- it looks  
25 like the seventh slide, and then go to the next 06:26:14

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1 page. The -- the notes are not visible -- visible 06:26:20  
2 on the view that we're looking at.

3 I will note for the record that the  
4 version that we're introducing as an exhibit has  
5 notes in -- in the document that appear to be the 06:26:35  
6 notes that -- that KP made on the slide deck.

7 We can put this exhibit aside. We're  
8 going to go to another version of this deck.

9 Let's -- actually, before we do that, go  
10 to the first page of the deck. 06:26:48

11 Do you see the title of this slide deck,  
12 Mr. Cross?

13 A. I do.

14 Q. And could you read that title for the  
15 record. 06:27:05

16 A. "Criteria for granting Exemptions and  
17 Extensions."

18 Q. And the date of this document is 12/5/13;  
19 is that right?

20 A. I assume that's the American format, 06:27:18  
21 so...

22 Q. Fair -- fair point.

23 I interpret that as December 5th, 2013;  
24 is that how you interpret it as well?

25 A. Annoyingly, yes, it is, how I interpret 06:27:30

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1 it. 06:27:33

2 Q. And -- and the author is Monica Mosseri;  
3 is that right?

4 A. It is. And the critical piece of  
5 information on this is the word "Draft." 06:27:39

6 MR. LOESER: Right. Right.

7 Okay. So let's go -- you can put that  
8 exhibit aside and we're going to go to another  
9 version of this presentation.

10 This will be marked as Exhibit 340. 06:27:50

11 (Exhibit 340 was marked for  
12 identification by the court reporter and is  
13 attached hereto.)

14 MR. LOESER: And when you -- when it  
15 comes up, we'll look at the first page of this 06:28:17  
16 slide deck as well.

17 Q. (By Mr. Loeser) And fair to say that  
18 this is another -- this also is a slide deck, and  
19 if you could read the title into the record.

20 A. "Criteria for granting Exemptions and 06:28:44  
21 Extensions, Draft, 12/5/13".

22 Q. Okay. And if we could go back to the  
23 metadata.

24 So I'll -- I'll state for the record that  
25 this was a version of this document that was also 06:29:06

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1 produced by Facebook. And -- and this is the 06:29:09  
2 metadata associated -- metadata associated with  
3 that document. We can move on to the document  
4 itself.

5 So let's go to the -- the second -- 06:29:28  
6 the -- it looks like the second slide in the -- in  
7 the deck which has the heading decision -- well --  
8 yeah, let's look at this agenda. This is page 2 of  
9 the deck, I believe.

10 And you see there's "Agenda," and it says 06:29:47  
11 "Decision Buckets," right?

12 A. Yeah.

13 Q. And then there's a list of different  
14 categories of apps, right, "Non-Games, Games,  
15 PMD's, Mobile/TV/Devices"? 06:29:59

16 A. I see.

17 Q. And what -- what are PMDs?

18 A. PMDs, I think, refers to page management  
19 developers. I'm not 100 percent sure of that -- of  
20 the acronym. 06:30:20

21 Q. So the first item on the agenda is  
22 "Decision Buckets"; is that right?

23 A. That's the first item on the agenda.

24 Q. Okay. And if we go to the next page of  
25 the slide deck, you see there's a slide that says 06:30:32

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1 "Decisions Buckets." 06:30:37

2 Do you see that?

3 A. I see that.

4 Q. And, again, this is a presentation on the

5 criteria for granting exemptions and extensions, 06:30:42

6 right?

7 A. No. This is a proposed -- a set of  
8 proposals for potentially how to think about this.

9 Q. Okay. So under the "Decision Buckets"  
10 listed in this slide, in this presentation on the 06:31:05  
11 criteria for granting exemptions and extensions,  
12 the first bucket is "Exemption."

13 Do you see that?

14 A. I do see that.

15 Q. And why don't you read for the record 06:31:16  
16 what -- how that bucket is described.

17 A. On the document it says "Strategic value  
18 for both companies long term."

19 Q. Okay. And then let's look at the second  
20 bucket identified. 06:31:29

21 That's "Extension"; is that right?

22 A. That's correct.

23 Q. And why don't you read for the record  
24 what that -- how that bucket is described.

25

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1

3

Q. And the third bucket identified here is

4

"Standard"; is that right?

5

A. That's what's on the slide.

06:31:53

6

Q. Okay. And what's the descriptions of

7

that bucket?

8

A. "No access to private capabilities."

9

Q. So if we go back to the "Agenda" slide.

10

Again, after the "Decision Buckets,"

06:32:10

11

there are these -- these four categories.

12

The first "Non-Games." The second,

13

"Games." The third "PMD's." And the fourth

14

"Mobile/TV/Devices"; is that right?

15

A. That's right.

06:32:31

16

Q. Okay. So now let's go to the fourth page

17

of the presentation and you see the cover slide,

18

"Non Games."

19

A. Yup.

20

Q. Waiting for it here. "Non Games." There

06:32:50

21

it is.

22

And then the slide that comes after that

23

is a description of apps that are within the

24

"Non Games" category, and there's more detail on

25

those different apps.

06:33:11

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1                   If you look at that slide, it's captioned                   06:33:13  
2                   "Categories of apps and impact."  
3                   Is that a fair read of this presentation,  
4                   that there's a title slide that says "Non Games,"  
5                   and the next page has more detailed information.                   06:33:20  
6                   Would you read that to -- for -- for  
7                   the -- the next slide to be related to the title  
8                   slide?  
9                   A.    I think that's a fair read, yes.  
10                  Q.    And are all of these apps identified here                   06:33:31  
11                  nongames?  
12                  A.    I would --  
13                  MR. BLUME:   Objection.   Form.  
14                  THE DEPONENT:   -- consider all of the  
15                  categories listed here as nongames.                   06:33:41  
16                  Q.    (By Mr. Loeser)   And then within this  
17                  category of nongames, you'll see that the slide has  
18                  a category, "Sub Categories that require further  
19                  assessment."  
20                  Do you see that?                   06:33:55  
21                  A.    I do.  
22                  Q.    And there are five different  
23                  subcategories that are identified; is that right?  
24                  A.    I do.  
25                  Q.    And they are -- "Social network                   06:34:06

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1 on here. 06:35:13

2 The first one is "Revenue"; is that  
3 right?

4 A. That's what's on the slide.

5 Q. And then what are the questions asked in 06:35:18  
6 connection with "Revenue"?

7 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

16 MR. BLUME: Objection. Form. Scope.

17 THE DEPONENT: What's on the slide is --

18 [REDACTED]  
[REDACTED]

20 Q. (By Mr. Loeser) For revenue, right? 06:35:59

21 A. It's next to "Revenue" on the slide.

22 Q. Okay. And the next item there is "Will  
23 access to Graph increase spend?" And that's also a  
24 question related to what do we have to lose with  
25 regard to revenue; is that right? 06:36:13

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1 MR. BLUME: Objection. Form. 06:36:15

2 THE DEPONENT: It's a question, as  
3 written on the slide.

4 Q. (By Mr. Loeser) Question relating to  
5 "What do we have to lose?" related to revenue, 06:36:22  
6 right?

7 MR. BLUME: Same objection.

8 THE DEPONENT: I mean, if -- if I'm just  
9 reading a slide now.

10 Q. (By Mr. Loeser) Well, actually, you're 06:36:34  
11 testifying on behalf of Facebook.

12 [REDACTED]

[REDACTED]

[REDACTED]

15 MR. BLUME: Objection. Form. And scope. 06:36:48

16 THE DEPONENT: So the slide here  
17 indicates that when thinking about the potential  
18 impact of these changes, along with several other  
19 accesses, it was a question being asked.

20 Q. (By Mr. Loeser) Okay. And another 06:37:05  
21 question being asked in that context was "Will  
22 access to graph increase spend?"; is that right?

23 MR. BLUME: Objection. Form. And scope.

24 THE DEPONENT: The slide suggests that  
25 the author was asking that question. 06:37:16

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1 Q. (By Mr. Loeser) The author is a person 06:37:19  
2 who works for Facebook, who developed a PowerPoint  
3 called "Criteria for granting Exemptions and  
4 Extensions," right?

5 THE COURT REPORTER: Wait. Mr. Blume, 06:37:29  
6 you were muffled. What --

7 MR. BLUME: Sorry. I -- my objection was  
8 asked and answered.

9 Q. (By Mr. Loeser) You can answer,  
10 Mr. Cross. 06:37:43

11 A. This is a slide deck with that title,  
12 with this slide on it, produced by an employee of  
13 Facebook.

14 Q. (By Mr. Loeser) And then if we move down  
15 the -- the column on "What do we have to lose," the 06:37:56  
16 second item is "Visibility/Influence."

17 Do you see that?

18 A. I do see that.

19 Q. And what were the questions that Facebook  
20 posed with regard to visibility and influence? 06:38:10

21 MR. BLUME: Objection. Form. Scope.

22 THE DEPONENT: What's on the slide  
23 written by Monica is "Risk of bad press?" And "Is  
24 there user value and will they be upset?"

25 Q. (By Mr. Loeser) And so the risk of bad 06:38:26

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1 press, in the context of this transition to the new 06:38:29  
2 platform, why would there be a risk of bad press  
3 relating to that transition in which certain  
4 permissions were deprecated?

5 MR. BLUME: Objection. Form. And scope. 06:38:43

6 THE DEPONENT: It's hard to answer that  
7 on behalf of the company.

8 But what I can say in a personal  
9 capacity, having worked in this area, is that the  
10 changes that were being proposed at the time would 06:38:55  
11 have had an impact on several -- many applications  
12 built on the Facebook developer platform, and there  
13 was a concern that they might be vocal about their  
14 displeasure.

15 Q. (By Mr. Loeser) And now the next item is 06:39:13  
16 "Users/Engagement," and the question is "Will they  
17 remove login resulting in a MAU drop?"

18 Tell me what that means.

19 MR. BLUME: Objection. Form. Scope.

20 THE DEPONENT: Well, what they mean is -- 06:39:29  
21 by remove login is that the -- an app might choose  
22 to remove a Facebook login integration, and that  
23 might result in a monthly activity user drop.

24 Q. (By Mr. Loeser) And so you're -- what  
25 this is suggesting is that because of the changes 06:39:48

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1 to the platform, an app may decide not to 06:39:50  
2 participate on the platform anymore causing a drop  
3 in monthly average users of the platform; is that  
4 right?

5 MR. BLUME: Objection. Form and scope. 06:40:02

6 THE DEPONENT: This is -- MAU is monthly  
7 active, rather than average users.

8 One of the -- one of the concerns  
9 discussed at the time is that these changes might  
10 require developers to deprecate or that developers 06:40:20  
11 would choose to deprecate their applications and,  
12 therefore, no longer participate in the Facebook  
13 developer platform resulting in worse outcomes for  
14 users.

15 Q. (By Mr. Loeser) And why does Facebook 06:40:35  
16 care about monthly active users?

17 MR. BLUME: Objection. Beyond the scope.

18 THE DEPONENT: Yeah. I -- this is beyond  
19 the scope of like what I've been prepared to  
20 testify on. 06:40:47

21 Sorry. I don't feel I can answer that  
22 question.

23 Q. (By Mr. Loeser) So in connection with  
24 the -- the impact of the transition to the new  
25 platform, Facebook is not prepared to testify about 06:40:59

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1 why it cares about an impact relating to a drop in 06:41:02

2 monthly active users?

3 MR. BLUME: Objection to form. And

4 scope.

5 THE DEPONENT: It's unclear what MAU 06:41:12

6 means in this context. It could be -- MAU is a

7 metrics used to define many different things at

8 Facebook.

9 Q. (By Mr. Loeser) All related to monthly  
10 active users, right? 06:41:25

11 A. In different context, though. There are  
12 different products that calculate monthly active  
13 users for their product.

14 Q. Okay. So looking at the next item on  
15 here, it says "Data Exchange." 06:41:38

16 Do you see -- see that?

17 A. I do.

18 Q. What does data exchange mean for  
19 Facebook?

20 MR. BLUME: Objection. Form. And scope. 06:41:48

21 THE DEPONENT: I can't answer what does  
22 data exchange mean for Facebook, in general. That  
23 would be beyond the scope.

24 Well, I can say there in this context --  
25 again, given my personal experience -- is one of 06:42:01

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1 the benefits of the Facebook developer platform was 06:42:05  
2 that users would share their activity in apps back  
3 to Facebook. And that was seen as a good thing  
4 because it would be more content on their timeline  
5 and in newsfeed for their friends. 06:42:22

6 Q. (By Mr. Loeser) And the data was also  
7 beneficial for Facebook's business, right?

8 MR. BLUME: Objection. Form. And beyond  
9 the scope.

10 THE DEPONENT: I'm not able to answer the 06:42:35  
11 question on -- on the business, on the advertising  
12 side. That's not my area of expertise.

13 Again, what I can say is that one of the  
14 values of the Facebook developer platform is that  
15 information about users' activity and apps, users 06:42:52  
16 would decide to share that back to Facebook, and  
17 that would be content on their timeline, in their  
18 newsfeed.

19 And that would be a reason for their  
20 friends to come back and look at newsfeed. So good 06:43:04  
21 for -- good for users and ultimately good for  
22 Facebook.

23 Q. (By Mr. Loeser) Okay. And so the  
24 question being asked with regard to "Data Exchange"  
25 is "Will we lose access to OG data?" 06:43:16

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1 What is OG data? 06:43:19

2 MR. BLUME: Objection. Form.

3 THE DEPONENT: OG data, in this context,  
4 refers to Open Graph data, which in this context,  
5 again, specifically refers to users choosing to 06:43:30  
6 share their activity in apps back to their Facebook  
7 timeline.

8 Q. (By Mr. Loeser) And OG data would also  
9 include data about users' friends, right?

10 MR. BLUME: Objection. Form. 06:43:44

11 THE DEPONENT: No.

12 Q. (By Mr. Loeser) Why not?

13 A. So in this context, it's about a user  
14 sharing their activity back to Facebook.

15 Q. Can their activity also involve 06:44:01  
16 information about their friends?

17 A. No. A user in -- in this context, is  
18 about a user sharing their activity in an app back  
19 to Facebook.

20 Q. So if their activity was "Went to the 06:44:16  
21 restaurant with my friend," that's not information  
22 about the user's friend?

23 MR. BLUME: Objection. Form.

24 THE DEPONENT: I mean, in this context,  
25 that's what it means. It's -- there was a 06:44:27

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1 mechanism for a user to tag their friend in a 06:44:32  
2 story. But in this case, it's about a user  
3 choosing to share activity in their -- in an app  
4 with their friends on Facebook. And that's --  
5 that's specifically what this is referring to, in 06:44:46  
6 my understanding.

7 Q. (By Mr. Loeser) Okay. And then the next  
8 question is "Do certain products depend on this  
9 data?"

10 What -- what data is this referring to? 06:44:52

11 A. I'm not sure exactly what data is -- is  
12 this data. I'm inferring that it means OG data.

13 But, you know, that -- that's -- that's  
14 my inference. It's not entirely clear from this  
15 slide what -- what this data means. 06:45:13

16 Q. So Ms. Mosseri -- Mosseri -- or Mosseri  
17 here was evaluating -- when answering the question  
18 "What do we have to lose," one of the categories  
19 she identified was data exchange, right?

20 MR. BLUME: Objection. Form. 06:45:26

21 THE DEPONENT: Data exchange is on -- on  
22 the slide.

23 Q. (By Mr. Loeser) So let's go to the next  
24 page of the slide.

25 Do you see that the header or the title 06:45:42

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1 of that slide is "Loss Assessment"? 06:45:46

2 A. I do.

3 Q. So based on this slide, it appears that  
4 Facebook did a loss assessment using the different  
5 categories of apps that were earlier identified in 06:46:00  
6 this presentation; is that right?

7 MR. BLUME: Objection. Form. And scope.

8 THE DEPONENT: I mean, it's hard to --  
9 it's hard to read this slide.

10 The title "Loss Assessment" is there, but 06:46:12  
11 everything else is -- is kind of squiffy.

12 Q. (By Mr. Loeser) Okay. So if you go back  
13 to the slide, "Categories of apps and impact" --  
14 and -- and I can clarify this with -- with some  
15 questions. I can see why you were confused. 06:46:28

16 The subcategories that required further  
17 assessment were "Social Network Influencing, Media  
18 Aggregators, Social Apps, TV" and "Strategic"; is  
19 that right?

20 A. That's what I see on the slide, yeah. 06:46:41

21 Q. Okay. So now when you go forward to the  
22 "Loss assessment" slide, the categories of apps for  
23 which there was further assessment were "Media  
24 Aggregator, Social Network Influencing, Social  
25 Apps, TV" and "Other strategic." 06:46:50

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1 Do you see that? 06:46:54

2 A. That's what I see on the slide.

3 Q. Okay. So this is a further loss

4 assessment pertaining to those specific categories

5 that were subcategories of the nongames category. 06:47:03

6 Do I have that right?

7 MR. BLUME: Objection. Form. And scope.

8 THE DEPONENT: I -- I think you -- I

9 think you probably have these right. These are --

10 these are five categories that are mentioned on the 06:47:18

11 previous slide.

12 Q. (By Mr. Loeser) Okay. And then if you

13 look at the "Loss assessment," it's broken down

14 into four different categories. And they are

15 "Revenue, Visibility Influence, Users/Engagement" 06:47:28

16 and "Data Exchange."

17 Do you see that?

18 A. I do see that.

19 Q. And those were the four different

20 categories that was identified on the slide "What 06:47:39

21 do we have to lose"; is that right?

22 A. That matches the previous slide.

23 Q. So let's look down the other strategic

24 column of this loss assessment. And if you look at

25 the -- across from the "Revenue (Q4 '13)" line -- 06:47:59

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1 do you see that in the middle of the page, "Revenue 06:48:04

2 (Q4 '13)"?

3 A. I see it in the middle of the page, yeah.

4 Q. And so for the purpose of this analysis,

5 Facebook was able to identify the revenue for 06:48:14

6 specific apps that were taken into account when

7 evaluating loss assessment rating -- relating to

8 revenue for Q4 '13; is that right?

9 MR. BLUME: Objection. Form. And scope.

10 THE DEPONENT: I -- I am not -- I 06:48:37

11 can see -- I can see on the slide, but --

12 discussing exactly how revenue was calculated or --

13 is -- is not something I've been prepared to

14 testify about -- I'm prepared to testify about.

15 Q. (By Mr. Loeser) Okay. So one of the 06:48:54

16 topics here was the revenue impact of -- of

17 whitelisting, for example, right?

18 A. I think that -- I think that's right,

19 yes.

20 Q. And so this is a slide that -- that shows 06:49:11

21 that Facebook evaluated loss assessment, and one of

22 the categories of loss assessment that was

23 evaluated was revenue, right?

24 MR. BLUME: Objection. Form. And scope.

25 THE DEPONENT: Again, in this slide deck 06:49:30

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4 Q. (By Mr. Loeser) And so it appears from  
5 this slide deck that when considering the other 06:49:50  
6 strategic partners, and these other subcategories,  
7 and the impact of the transition to the new  
8 platform, Facebook was able to evaluate the revenue  
9 associated with other strategic partners; is that  
10 right? 06:50:08

13 THE DEPONENT: Yeah. As I say, I think  
14 it's beyond the scope of what I've been prepared to  
15 testify on. 06:50:19

18           A.     From looking at the slide here, there is  
19       some revenue numbers for some developers and  
20       partners, but it's unclear to me exactly what                      06:50:37  
21       that -- what -- where that -- where that data came  
22       from or exactly what it refers to. But there's  
23       some revenue numbers on the slide.

24 Q. So the revenue numbers on the slide

25 include -- and you tell me if I'm reading the slide 06:50:51

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1 wrong -- but for Q4 '13, so fourth quarter of 2013, 06:50:55  
2 eBay has \$639,342 of revenue. That was revenue for  
3 Facebook.

4 Is that -- is that a fair way to read  
5 this slide? 06:51:11

6 MR. BLUME: Objection. Form. And scope.

7 THE DEPONENT: I can't confirm exactly  
8 what was meant by the author. But I'm reading that  
9 there is those numbers on the slide, yes.

10 Q. (By Mr. Loeser) So based upon this 06:51:26  
11 slide, it appears that Facebook evaluated the  
12 revenue paid by certain partners when looking at  
13 the impact of the introduction of the new platform  
14 would have on those partners if they were to stop  
15 using the platform? 06:51:40

16 MR. BLUME: Objection to form.

17 Q. (By Mr. Loeser) Do you think that's --

18 MR. BLUME: Sorry.

19 THE DEPONENT: No.

20 MR. BLUME: Hold on. Did you finish your 06:51:49  
21 question, Derek?

22 MR. LOESER: Yes.

23 MR. BLUME: Oh, then objection. Form.  
24 And scope.

25 THE DEPONENT: So my understanding of -- 06:52:04

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1 of reading this is that there is some data on 06:52:06  
2 revenue from some partners, but it's not clear to  
3 me that this is directly related to whether or not  
4 they would stop using the platform.

5 It indicates that they -- again, seeing 06:52:27  
6 what I see on the slide -- that that was the  
7 revenue in the quarter. It does not make a  
8 specific connection to whether or not they would be  
9 impacted by the changes and how.

10 Q. (By Mr. Loeser) But does Facebook track 06:52:44  
11 the revenue of -- that it receives from its  
12 strategic partners?

13 MR. BLUME: Form. Scope.

14 THE DEPONENT: I'm not well up on the  
15 advertising side of Facebook's business. And I 06:53:03  
16 haven't worked in the strategic partnership team  
17 for a long time. So I don't feel I can clearly  
18 answer that question.

19 Q. (By Mr. Loeser) So where would Facebook  
20 go if it wanted to answer the question of the 06:53:16  
21 amount of revenue paid to Facebook in the Q -- in  
22 Q4 '13 for Amazon, Apple, Spotify, Bing, Windows,  
23 Skype, eBay and Ticketmaster?

24 MR. BLUME: Objection. Form. And scope.

25 THE DEPONENT: I would probably go and 06:53:33

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1 ask someone on the advertising side of the 06:53:35  
2 business.

3 Q. (By Mr. Loeser) And if Facebook wanted  
4 to evaluate the loss of revenue to Facebook, if all  
5 of the partners I just listed stopped using the 06:53:46  
6 platform, how would Facebook do that?

7 MR. BLUME: Objection. Form. And scope.

8 THE DEPONENT: I'm -- I'm not sure --  
9 I -- I -- I don't know. I'm not an expert in  
10 analyzing spend and what the impact is. 06:54:01

11 Remember, the -- we're talking here about  
12 a bunch of platform changes. Revenue could come  
13 from -- from a number of different reasons. This  
14 revenue is not necessarily directly connected to  
15 their integration. 06:54:22

16 So I -- I actually -- again, I don't  
17 know -- and I want to be clear -- I'd be  
18 speculating. I -- I do not know. And I -- I'm not  
19 an expert in how you would assess the potential  
20 loss in revenue if the integrations were stopped. 06:54:37

21 Q. (By Mr. Loeser) So fair to say when  
22 Ms. Mosseri was evaluating "What do we have to  
23 lose," one of the topics that she evaluated was  
24 revenue, right?

25 MR. BLUME: Objection. Asked and 06:54:52

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1 answered. 06:54:52

2 THE DEPONENT: I feel like I've answered  
3 that question.

4 Q. (By Mr. Loeser) So that's a "yes"?

5 A. I feel like I've answered that question. 06:55:02

6 MR. BLUME: You can answer.

7 Q. (By Mr. Loeser) You can answer.

8 MR. BLUME: You -- you can answer again,  
9 Simon, if you remember.

10 THE DEPONENT: Okay. Revenue -- there 06:55:09

11 are -- there are some revenue stats on here, but  
12 it's not necessarily making a connection with --  
13 with impact. It's just -- my understanding is  
14 this is -- this is statements of revenue in a  
15 quarter by these companies and that's it. 06:55:27

16 Q. (By Mr. Loeser) Okay. On a page with  
17 the title "Loss assessment"; is that right?

18 A. The numbers are on a page with the title  
19 "Loss assessment." But that doesn't mean that  
20 this would be the loss if -- this would be an 06:55:41  
21 assessed loss based on the proposed changes.

22 Q. Fair to say, however, that Ms. Mosseri  
23 was identifying the revenue received from certain  
24 partners in connection with her evaluation of  
25 potential losses that Facebook would experience as 06:55:59

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1 a result of the transition? 06:56:01

2 MR. BLUME: Objection. Form. And scope.

3 THE DEPONENT: Again, reading -- reading

4 from the slide here, there's a slide with "Loss

5 assessment" in the title, and there are some 06:56:14

6 revenue numbers, very small number of companies.

7 Q. (By Mr. Loeser) And fair to say if -- if

8 Facebook could identify those revenue numbers for

9 eBay and Spotify, it could also identify them for

10 all of its other strategic partners? 06:56:30

11 MR. BLUME: Objection. Form. Scope.

12 THE DEPONENT: I do not know how -- I --

13 I do not know if that's possible. It's -- as we've

14 discussed previously, definition of strategic

15 partner is not like clearly defined and/or 06:56:45

16 universal.

17 And I'm not an expert and would not know

18 and was not -- did not prepare to answer questions

19 on how revenue would be assessed for a given

20 company. It's -- it's not something I know how to 06:57:10

21 do.

22 Q. (By Mr. Loeser) You can't answer the

23 question, but it's an answerable question by

24 Facebook, right?

25 MR. BLUME: Objection. Form. Scope. 06:57:20

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1 THE DEPONENT: It's -- it -- again, it's 06:57:24  
2 potentially an answerable question by Facebook.  
3 But I'd be speculating. As I say, I -- I am not  
4 aware of how this would be done.

5 Q. (By Mr. Loeser) So let's move to the 06:57:38  
6 next type of loss that -- that was identified here,  
7 and it's "Visibility" and "Influence."

8 Do you see -- see that?

9 A. I see that.

10 Q. And you'll see for the "Other Strategic" 06:57:49  
11 category of partners, it notes "High"?

12 A. It seems to note "High," yes.

13 Q. And so what does that indicate with  
14 regard to those partners?

15 MR. BLUME: Objection. Scope. 06:58:05

16 THE DEPONENT: Impossible for me to say  
17 here from the company's perspective. This is a  
18 slide deck written by somebody. There's no  
19 criteria defined for visibility and influence or  
20 what high, medium or low would be in that context. 06:58:22

21 I think if you want to know that --

22 Q. (By Mr. Loeser) Do you --

23 A. -- it might be worth asking Monica.

24 Q. Sorry. I don't mean to talk at the same  
25 time. 06:58:31

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1 A. Sorry. 06:58:32

2 Q. Does Amazon have a high visibility and  
3 influence with -- with Facebook?

4 MR. BLUME: Objection. Form. Scope.

5 THE DEPONENT: I don't -- I -- I -- I 06:58:48

6 couldn't answer on the company's perspective about

7 like whether or not Amazon has -- has influence.

8 It's -- it's certainly a large organization. But

9 assessing its influence within Facebook is not

10 something I could testify to. 06:59:06

11 Q. (By Mr. Loeser) Okay. And then if we go  
12 to the next category "Users/Engagement."

13 Do you see that?

14 A. I do see that.

15 Q. And you'll see that for each of these 06:59:15

16 subcategories there's a monthly active user number.

17 Do you see that?

18 MR. BLUME: Objection. Form.

19 THE DEPONENT: I do.

20 Q. (By Mr. Loeser) And the highest monthly 06:59:23

21 active user category in here is to "Other

22 Strategic"; is that right?

23 A. Of the five listed here, that's the

24 largest number.

25 Q. And "Other Strategic," it shows that 06:59:33

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1 65,996,118 monthly active users. 06:59:36

2 So what does that mean with regard to the  
3 "Other Strategic" category?

4 MR. BLUME: Objection. Form. And beyond  
5 the scope. 06:59:49

6 THE DEPONENT: So in -- and this is one  
7 of the things I was referring to earlier.

8 Different products measure their own MAU.  
9 My understanding is in this context it refers to  
10 whether or not the Facebook platform apps 07:00:06  
11 associated with these entities and how many people  
12 were actively using those Facebook platform apps.

13 Q. (By Mr. Loeser) And -- so if Facebook  
14 wanted to isolate and identify the monthly active  
15 users for all partners apps that were whitelisted 07:00:29  
16 for the time period they were whitelisted, is that  
17 something Facebook could do?

18 A. Can you help me understand, monthly  
19 active users in what context?

20 Q. In -- in the context that you just used 07:00:47  
21 when answering my prior question.

22 A. So whether or not the app IDs that were  
23 associated with these entities, what their monthly  
24 active user based off the application was?

25 Q. Right. 07:01:02

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1 question of whether it could do that? 07:02:16

2 MR. BLUME: Objection. Form.

3 THE DEPONENT: I would have to -- I -- I

4 don't know. I would have to speak to the folks on

5 the platform team to see if they knew if they could 07:02:33

6 provide some of the information.

7 And I think the -- the sales and

8 marketing and advertising part of the business

9 would -- somebody there would -- would be able to

10 answer whether or not that was answerable. 07:02:50

11 Q. (By Mr. Loeser) So let's look at the

12 last category of -- of -- of what Facebook has to

13 lose in the transition to the new platform, and

14 that's "Data Exchange."

15 And, again, under the "Other Strategic" 07:03:06

16 column, it lists a number of -- of apps. It says

17 "Bing/Win" -- which I assume is Windows -- "Skype:

18 Maps, Search, Video Message, Ticketmaster: Events

19 data."

20 What is that -- explain to what data 07:03:24

21 exchange occurs with regard to those particular

22 apps.

23 MR. BLUME: Objection. Form. And scope.

24 THE DEPONENT: I'm not able to answer

25 the apps with -- with that specificity. That would 07:03:35

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3               So I'm -- I'm not able to -- to  
4     explain -- to answer the question as -- as to  
5     exactly what data -- how those integrations                     07:03:51  
6     functioned.

13 MR. BLUME: Objection. Form. And beyond  
14 the scope.

17                   We talked about a previous category here  
18       which is apps that people used that allowed them to  
19       share their activity back to their friends on  
20       Facebook, and that being a form of data exchange                   07:04:30  
21       that was the core -- one of the core value  
22       propositions of the Facebook developer platform for  
23       users and for developers.

24 MR. LOESER: We can move on to a new  
25 exhibit. 07:04:48

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1 MR. BLUME: Is this a -- is this a good 07:04:50  
2 time for a break, Derek?

3 THE DEPONENT: Yeah, I would love a  
4 break, if that's all right. A bio break.

5 MR. LOESER: Sure. Absolutely. 07:04:58

6 SPECIAL MASTER GARRIE: How long -- how  
7 long of a break are we talking about, Counsel?  
8 Maybe 20 -- how long do you need Mr. Cross? Do you  
9 want to grab dinner?

10 THE DEPONENT: Well, what time are we 07:05:06  
11 planning to go to? I have on my calendar until I  
12 think --

13 SPECIAL MASTER GARRIE: These people --  
14 oh, let's go off the -- off the record.

15 THE DEPONENT: Okay. 07:05:14

16 THE VIDEOGRAPHER: Okay. We're off the  
17 record at 7:05 p.m.

18 (Recess taken.)

19 THE VIDEOGRAPHER: We are back on the  
20 record at 7:39 p.m. 07:39:07

21 MR. LOESER: Okay. Mr. Cross, we're  
22 going to introduce a new exhibit which will be  
23 marked Exhibit 341.

24 (Exhibit 341 was marked for  
25 identification by the court reporter and is 07:39:16

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1 attached hereto.) 07:39:16

2 MR. LOESER: And so you should be looking  
3 at now a document that has the header "Deprecated  
4 f8 2014 Partnerships/Ops XFN."

5 Do you see that? 07:39:51

6 A. Yeah, I see that.

7 Q. And what does the title of that document  
8 refer to?

9 A. I can't be 100 percent sure. But reading  
10 the document, it seems to refer to a -- a Facebook 07:40:09  
11 group or a Workplace group. Some -- some kind of  
12 internal message board. It's -- it's hard to read  
13 the exact structure.

14 Q. And -- and what does "Partnership/Ops  
15 XFN" mean? 07:40:28

16 A. Partnerships would mean the --  
17 partnerships team ops means the ops team. And XFN,  
18 in Facebook parlance, stands for cross-functional,  
19 i.e., people from different teams working together.

20 Q. And -- and what is the ops team? 07:40:47

21 That's developer operations; is that what  
22 that means?

23 A. In this case, it would mean developers  
24 operations, yeah.

25 Q. And just looking at this document, 07:40:57

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1       what -- is this a -- a Quip or -- you know, what is                   07:40:59  
2       the -- what is the -- how is this document  
3       generated?

4                   Do you know?

5           A.    I think this is a -- this is contents in                   07:41:08  
6       a Workplace group, which is a kind of internal  
7       version of -- of Facebook. But I can't be  
8       100 percent certain of that. And the formatting  
9       makes it hard to -- to follow. But I -- I think  
10      it's a Facebook group or a Workplace group.                   07:41:26

11      Q.    And so Facebook used its platform  
12      internally for employees to communicate with each  
13      other?

14      A.    That's correct. Today that's a tool  
15      called Workplace. But in the past, it was groups               07:41:43  
16      on -- on Facebook that were only available to  
17      employees.

18      Q.    And is that a -- is that a product that  
19      you can search?

20                   So for example, if you wanted to search               07:41:59  
21      on the word developer operations, could you -- is  
22      that a searchable -- the tool allow for searches  
23      like that?

24                   MR. BLUME: Objection. Form. And scope.

25                   THE DEPONENT: I can't -- I can't give a               07:42:16

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1 canonical Facebook answer. But as a -- but as a 07:42:19  
2 user of the tool, you -- you can search for things.  
3 But I'm unclear on the -- the -- how -- how far the  
4 index goes back or -- or how the -- the search  
5 function works. 07:42:33

6 Q. (By Mr. Loeser) Okay. And it's a little  
7 hard to read on this, but the last entry in this  
8 series of messages is by you and it's -- it looks  
9 like July 24th, 2014.

10 Do you see that at the very top of the 07:42:47  
11 document?

12 A. I do.

13 Q. Okay. And is what I stated accurate?

14 A. Yeah. This is a message from me and I --  
15 on July 24th, 2014. 07:43:01

16 Q. Okay. So it is a long string and the --  
17 and the -- the font is small. And I'm going to ask  
18 you to turn a few pages into this string to the  
19 Bates number FB-CA-MDL-02978566.

20 A. I have it. 07:43:33

21 Q. Okay. And so -- yeah, there's the Bates.  
22 And so if we go up and -- and -- to read,  
23 we'll try to make this bigger if necessary.

24 But in the middle of that page there is a  
25 post -- is that the right way to describe it, a 07:43:41

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1 post? 07:43:44

2 A. I -- I think -- I think this is a post  
3 if -- if I'm right in identifying where this is  
4 from. We -- we can call it a post for the purposes  
5 of this conversation. 07:43:54

6 Q. Okay. And there's a post from  
7 Monica Mosseri, and it's dated February 10th, 2014;  
8 is that right?

9 A. That's right.

10 Q. And I'll just, for the record, read part 07:44:05  
11 of this post and -- and I have some questions for  
12 you.

13 Monica Mosseri writes "I just wanted to  
14 follow up on Jackie's post regarding the asks of  
15 the partnership team. The POC's for each group" -- 07:44:23  
16 what are POCs?

17 A. That would refer to points of contact.

18 Q. The points of contact "for each group  
19 (listed below) are responsible for completing these  
20 three buckets for" the "entire team. Please 07:44:37  
21 complete this by end of day Wed Feb 12th. If you  
22 have any questions please reach out to me and cc  
23 Simon Cross."

24 Do you see that?

25 A. I do. 07:44:47

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1 Q. And so Monica is informing the 07:44:51  
2 partnership teams that they have to fill out a  
3 spreadsheet that has three buckets; is that right?

4 MR. BLUME: Objection. Form.

5 Derek, does he have the -- does he have 07:45:02  
6 scrolling ability to see the context?

7 THE DEPONENT: I -- I do.

8 So sorry, Derek. Could you ask your  
9 question again.

10 Q. (By Mr. Loeser) Sure. 07:45:30

11 I just read a -- the beginning of the  
12 post and -- and asked you that, based upon this,  
13 Monica Mosseri notes, "I just wanted to follow up  
14 on Jackie's post regarding the asks of the  
15 partnership team. The Points of Contact for each 07:45:42  
16 group are responsible for completing these three  
17 buckets for" the "entire team."

18 And if you -- if you read through this,  
19 she's asking the partnership teams to classify the  
20 partners into one of three buckets; is that right? 07:45:52

21 MR. BLUME: Objection to form. And  
22 scope.

23 THE DEPONENT: I think that's what she's  
24 asking on the post, yes.

25 Q. (By Mr. Loeser) And if you move down 07:46:04

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1 the -- the -- her post a little bit, there's a 07:46:05

2 No. 2. It says "Extension/Exemption."

3 Do you see that?

4 A. I do see that.

5 Q. And she states "Identify your Partners 07:46:16

6 with Platform Agreements or non-standard Platform

7 Agreements & identify 'Backward Compatibility.'"

8 Do you see that?

9 A. I do.

10 I do -- 07:46:25

11 Q. And I'm going to read another part of

12 this post.

13 She writes "The capabilities that are in

14 this spreadsheet columns U-B0 are capabilities that

15 are now public but soon won't be as they are tied 07:46:52

16 to a perm/API that we are deprecating in PS12n."

17 Do you see that?

18 A. I see that.

19 Q. So she's asking the partner points of

20 contact for each of these groups to put the 07:47:07

21 partners into three buckets, and this is in the

22 context of the permissions and the APIs that are

23 being deprecated in connection with PS12n, right?

24 MR. BLUME: Objection. Form. And scope.

25 THE DEPONENT: That's what's on the page. 07:47:25

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1 Q. (By Mr. Loeser) So there's another line 07:47:35  
2 in this post in which she says "The existing  
3 Private API" -- or I'll start that again.

4 "The existing Private API's partners have  
5 access to are not listed in this doc and will go 07:47:52  
6 through a different review process."

7 Do you see that?

8 A. Yeah, I see that.

9 Q. And so she's identified, in addition to  
10 partners that will have private APIs going forward 07:48:07  
11 that didn't have them before, existing private API  
12 partners, and she's indicating that that will go  
13 through a different review process.

14 Do you recall that -- that different  
15 review process for partners that already had access 07:48:22  
16 to private APIs before the transition to the new  
17 platform?

18 A. I do not recall a different -- that  
19 different review process.

20 Q. And so did Facebook have a different 07:48:34  
21 review process for partners that already had access  
22 to private APIs before the transition to the new  
23 platform, when deciding whether they would continue  
24 to have access to information that partners would  
25 no longer have access to after the transition to 07:48:52

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1 the new platform? 07:48:55

2 MR. BLUME: Objection. Form. And scope.

3 THE DEPONENT: I -- I -- I can't -- I

4 can't say for certain if there was another process

5 or, if so, what that process was. 07:49:08

6 I don't -- I don't recall and it -- and

7 it hasn't come up in my conversations with people

8 or the documents I've reviewed.

9 Q. (By Mr. Loeser) So has Facebook

10 identified a group of partners that already had 07:49:21

11 private APIs at the time of the transition to the

12 new platform through which those partners were able

13 to obtain access to friend data?

14 MR. BLUME: Objection. Form. And scope.

15 THE DEPONENT: Sorry. Can you ask the 07:49:38

16 question again, please.

17 MR. LOESER: Sure. We can just read it

18 back.

19 THE DEPONENT: Sure.

20 MR. BLUME: I'll read it back. It's 07:49:43

21 fine.

22 Q. (By Mr. Loeser) So has Facebook

23 identified a group of partners that already had

24 private APIs at the time of the transition to the

25 new platform through which those partners were able 07:49:51

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1 to obtain access to friend data? 07:49:53

2 A. Has -- has Facebook? I mean, sorry.

3 At what time period are you asking had  
4 Facebook done that?

5 Q. At any point to the present. 07:50:05

6 MR. BLUME: Object to form.

7 THE DEPONENT: The -- the capabilities  
8 tool and the other tools would have identified  
9 which apps had access to -- to private APIs both  
10 before and after the advent of API v2. 07:50:29

11 Q. (By Mr. Loeser) Thank you.

12 All right. If we can turn to -- and I'll  
13 tell you the last four digits of the Bates -- Bates  
14 number. But it's -8568, which is two pages where  
15 we were before. 07:50:49

16 A. Yup. I see it.

17 Q. And there's a post by you in the middle  
18 of the page dated -- it looks like January 20 --  
19 I'm looking at the January 20 -- I can't see it on  
20 my page, but right down -- January 22nd, 200- -- 07:51:12  
21 okay. January 23rd, 2014. So top of the page  
22 you're looking at now.

23 Do you see that?

24 A. "Game Face Time," is that the -- the one  
25 you're referring to -- 07:51:31

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1 Q. Yeah. 07:51:32

2 A. -- or the one below?

3 Q. No, that -- the -- the "Game Face Time."

4 A. Okay.

5 Q. And -- and you write at the beginning of 07:51:39

6 this, "Game Face Time. Notes from today's XFN:

7 1/ We have 6 weeks to go."

8 And what you're talking about here is

9 until the new platform becomes live, right?

10 A. At this time we were working to a launch 07:51:52

11 date that was -- ended up being significantly

12 sooner than -- than the launch date. This is just

13 another example of how much changed in -- in terms

14 of preparation versus what actual happened.

15 So this point, "6 weeks to go," that's 07:52:10

16 for a launch date that was being prepared for but

17 didn't happen.

18 Q. Okay. And then you have No. 2, and it

19 states "We will have a Partnerships/Ops all hands

20 on the Login v4/PS12n launch in early Feb." 07:52:25

21 Do you see that?

22 A. I see that.

23 Q. And then you have an item 3 -- and if we

24 could highlight it, we would.

25 In the middle of that page you state "The 07:52:37

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1 next main job is to audit the 26" thousand -- and 07:52:41  
2 it says k, but I'm reading thousand -- "The next  
3 main job is to audit the 26,000 affected apps and  
4 determine which apps must be whitelisted for which  
5 features." 07:52:54

6 Do you see that?

7 A. I see that.

8 Q. Can you read the next sentence of your  
9 post for the record.

10 A. What's on the page is "The bar is very 07:53:03  
11 high: Contract commitment, inability to move fast  
12 (physical devices etc) or super-strategic use  
13 cases."

14 Q. So you put, at this time, six weeks  
15 before the launch of the new platform, you 07:53:20  
16 identified three different categories of -- of  
17 apps; is that right?

18 A. Where am I identifying the three  
19 different categories of apps?

20 Q. Well, one is -- you say -- I'll read it 07:53:38  
21 again.

22 "The next main job is to audit the 26,000  
23 affected apps and determine which apps must be  
24 whitelisted for which features. The bar is very  
25 high," and then you -- you identify "contract 07:53:50

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1 commitment." 07:53:54

2 So that's one of the categories that  
3 you're indicating should be whitelisted, right?

4 A. That's not a category I'm indicating  
5 should be whitelisted. I'm indicating -- well, I 07:54:03  
6 don't recall exactly what I meant. This is a long  
7 time ago.

8 But on the page, it's indicating the  
9 kinds of considerations that -- that may be  
10 appropriate. But these are not -- 07:54:19

11 Q. Okay.

12 A. These are not a categorization or  
13 taxonomy.

14 Q. All right. Well, let's try and  
15 understand what it is. 07:54:29

16 There's 26,000 apps you're referring to;  
17 is that right?

18 A. It says 26,000 affected apps on the -- on  
19 this -- on the page, yes.

20 Q. And then you indicate that you're seeking 07:54:40  
21 to determine -- Facebook is seeking to determining  
22 which apps must be whitelisted for which features;  
23 is that right?

24 MR. BLUME: Objection. Form.

25 And scope -- and scope. 07:54:51

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1 THE DEPONENT: Again, what -- that's -- 07:54:56  
2 that's what's on the page.

3 Q. (By Mr. Loeser) That's what you wrote on  
4 this post?

5 A. Those are the words on this post that it 07:55:03  
6 looks like I wrote.

7 Q. And then you say that "The bar is very  
8 high."

9 You mean the bar for whitelisting is very  
10 high? 07:55:11

11 A. I would assume that's what I meant.

12 Q. And then you said that -- the first thing  
13 you identify after saying the bar is very high is  
14 contract commitment.

15 And does that refer to apps for which 07:55:24  
16 there was a contract commitment to continue to  
17 allow access to something that's being taken away  
18 in the transition to the new partnership -- or the  
19 new platform?

20 MR. BLUME: Objection. Form. And scope. 07:55:38

21 THE DEPONENT: I can't be 100 percent  
22 certain what I mean in this. Again, this is in a  
23 personal capacity.

24 But my reading of that is that if we want  
25 to whitelist them, if -- if they -- if there's a 07:55:51

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1 whitelisting requirement, that we would need a 07:55:54  
2 contract commitment to cover that -- to cover that.

3 Q. (By Mr. Loeser) And then you have  
4 another description here of something different,  
5 which is "inability to move fast (physical devices 07:56:03  
6 etc)," and that's another group or type or  
7 category -- and use the term that you want -- of  
8 apps that -- that you thought -- or Facebook  
9 thought needed to be whitelisted, right?

10 MR. BLUME: Objection. Beyond the scope. 07:56:19  
11 And form.

12 (Brief interruption.)

13 (Discussion off the stenographic record.)

14 Q. (By Mr. Loeser) Okay. So we discussed  
15 contract commitment, and the next thing you note -- 07:56:39  
16 you note after noting "The bar is very high" is  
17 "inability to move fast (physical devices)."

18 And are you saying there that another  
19 group to be whitelisted are those that have an  
20 inability to move fast? 07:56:48

21 A. I'm indicating that that might be one of  
22 the criteria that maybe is for consideration.

23 Q. Okay. And what's the last criteria that  
24 may be for consideration that you identify in this  
25 post? 07:57:10

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4 Q. And what were the super-strategic use  
5 cases that you're referring to here in this post to 07:57:35  
6 the teams involved in bucketing apps for the  
7 purpose of determining which should have continued  
8 access to -- to deprecated permissions?

10 THE DEPONENT: I do not know what 07:57:56  
11 super-strategic use cases I'm -- I'm referring to  
12 here mean. I certainly can't remember what I'm  
13 referring to.

17                   And can Facebook tell me now, through  
18           you, as its corporate designee, what was meant by  
19           "super-strategic use cases"?

21 THE DEPONENT: I can't confirm what  
22 super-strategic use cases mean, either as a  
23 corporate representative and even in my personal  
24 capacity, I don't recall what -- what that's  
25 referring to. 07:58:43

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1 I think what's also important to note is 07:58:44  
2 your mentioning six weeks to launch here. A, that  
3 wasn't the case in the end. And B, no deprecations  
4 were going to take a place for a year after launch.  
5 And so there was no impending impact to existing 07:59:01  
6 apps and integrations for a considerable time to  
7 come. Much changed between then and later.  
8 Q. (By Mr. Loeser) And this is a long  
9 string and -- and I don't want to ask you to go  
10 through all of it now. But perhaps on your next 07:59:20  
11 break, you can take a spin.  
12 I don't see any post from anyone saying  
13 to you, leading right up until the launch date --  
14 by July 24th, 2014, had the platform actually been  
15 launched? 07:59:35  
16 A. Sorry. Can you give that date again.  
17 Q. Yeah.  
18 When -- when did -- when did platform 3.0  
19 launch?  
20 A. The -- several changes were announced, 07:59:47  
21 including API version 2 were launched on  
22 April the 30th, 2014. But they only came into  
23 force for new apps that were created after that  
24 date. Any app that was created before that date  
25 had no impact for another 12 months after that 08:00:07

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1 date. 08:00:09

2 Q. Okay. And so -- and this -- this post,  
3 the messages go up through July 24th, 2014, right?

4 That's what we are saw at the beginning  
5 of the -- of the document? 08:00:22

6 A. It looks like that's the first post in  
7 the thread.

8 Q. And I -- I've gone through the thread and  
9 I don't see any question from any person of any one  
10 of these teams saying to you, "Mr. Cross, what do 08:00:33  
11 you mean by super-strategic?"

12 And I don't -- you don't need to take the  
13 time right now, but perhaps on a break or  
14 otherwise, you should review this document. And if  
15 you find a question back to you stating some 08:00:45  
16 confusion about what that means, if you'll please  
17 let me know. I'd appreciate it.

18 MR. BLUME: We'll note your question,  
19 but...

20 MR. LOESER: Okay. So we can move on to 08:01:01  
21 the next exhibit, which has previously been marked  
22 Exhibit 14.

23 THE DEPONENT: I have it.

24 Q. (By Mr. Loeser) So this is an email  
25 dated February 9th, 2014, from Ime Archibong to 08:01:52

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1 Eddie O'Neil and to you. "Importance," it states 08:01:56

2 "High."

3 "Subject: FW: Our teams next steps for

4 PS12n"; is that right?

5 A. I see that. 08:02:07

6 Q. And if you look down to Jackie Chang's

7 email to you and to Ime Archibong, she writes

8 "Actually - here's an updated version."

9 And that's a reference, I assume, to the

10 attachment to this -- this document; is that your 08:02:26

11 understanding?

12 MR. BLUME: Objection. Form.

13 THE DEPONENT: It's -- it's reasonable,

14 but I couldn't confirm it.

15 Q. (By Mr. Loeser) Okay. And she writes, 08:02:33

16 "I'll explain on the call, but in essence we're not

17 going to grant any exceptions, only extensions

18 based on contract and partner sensitivity."

19 Do you see that?

20 A. I do see that. 08:02:43

21 Q. And she writes, "Where I've

22 labeled 'exemptions' are actually private apis

23 today that allow for friend data to be read."

24 Do you see that?

25 A. I see that. 08:02:53

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1 Q. She writes "I believe we should keep 08:02:55  
2 maintaining these apis as private strategic ones -  
3 however, it's worthwhile acknowledging this as  
4 there's been some confusion by partnership teams on  
5 how we plan to maintain these moving forward." 08:03:03

6 Do you see that?

7 A. I do see that.

8 Q. So tell me, what did Facebook mean in  
9 this context by "private strategic ones"?

10 MR. BLUME: Objection. Form. And beyond 08:03:18  
11 the scope.

12 THE DEPONENT: I can't answer that on  
13 what does Facebook mean. Again, this is an email  
14 thread between three people. So I don't think  
15 Facebook has a view on what that means. 08:03:29

16 I can answer based on my understanding  
17 and participation in this thread. But I don't  
18 think it would be right to characterize that as --  
19 as Facebook's opinion.

20 So with that, what this means is -- my 08:03:41  
21 understanding is this means maintaining the  
22 existing integrations that existed and had been  
23 built to date -- we talked about these earlier --  
24 that rely on private APIs to function.

25 Q. (By Mr. Loeser) Okay. And those are 08:04:06

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1 referred to here as private strategic ones? 08:04:06

2 A. In the document, they're referred to as  
3 private strategic ones.

4 Q. And she also references in her email  
5 "partner sensitivity." 08:04:18

6 What -- what is partner sensitivity?

7 A. Again, I don't think there's a corporate  
8 Facebook answer to that. And I wouldn't want to  
9 take [sic] a speculation. I wouldn't want to  
10 speculate as to what Jackie meant -- meant by that. 08:04:36

11 Q. And what does it mean to grant an  
12 extension based on partner sensitivity?

13 A. Again, I don't know what -- there's no --  
14 there's no corporate position on that. What Jackie  
15 means by that, I think you would have to ask her. 08:05:06

16 MR. LOESER: So why don't we turn to the  
17 presentation, which I will note for you is attached  
18 to the email that we just went through from  
19 Ime Archibong to you and Eddie O'Neil.

20 And this has been previously marked as 08:05:29  
21 Exhibit 15.

22 And for the record, the email was sent on  
23 February 9th, 2014, with this attachment.

24 THE DEPONENT: I have it.

25 Q. (By Mr. Loeser) Do you see the title of 08:05:54

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1 this document -- or the first heading on -- on the 08:05:58  
2 document is "[PS12n] Product Update - What -- "What  
3 Are We Announcing"?

4 Do you see that?

5 A. I see that. 08:06:12

6 Q. And who -- who is the intended audience  
7 of this -- of this presentation?

8 MR. BLUME: Objection. Form. And scope.

9 THE DEPONENT: I do not know who the  
10 intended audience of this was. 08:06:27

11 Q. (By Mr. Loeser) So let's look at the --  
12 the first page of this.

13 On the third bullet it states "Removing  
14 access to non-app friends. friend\_\* permissions  
15 being deprecated - apps will only get data about 08:06:52  
16 people who've explicitly logged-in with Facebook,  
17 not that user's incognizant friends."

18 What does "incognizant friends" refer to?

19 MR. BLUME: Objection. Form. And scope.

20 THE DEPONENT: I don't want to make a 08:07:13  
21 determination of a -- of -- of -- there's no  
22 corporate answer to what -- what that means. It  
23 would be a -- a dictionary definition to look it  
24 up.

25 Q. (By Mr. Loeser) Okay. What -- and -- 08:07:25

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1 and what -- how would Facebook use the term 08:07:26  
2 "incognizant friends" in this context?  
3 MR. BLUME: Scope --  
4 THE COURT REPORTER: Wait. Mr. Blume,  
5 you were muffled. 08:07:32  
6 MR. BLUME: Asked and answered. And  
7 beyond the scope.  
8 THE DEPONENT: Yeah. I -- I don't think  
9 Facebook has a -- a definition of what that means.  
10 Again, the author of this deck chose to use that 08:07:47  
11 word. It's not used --  
12 (Simultaneously speaking.)  
13 Q. (By Mr. Loeser) And next --  
14 A. -- in any other context.  
15 Q. And then the next bullet states 08:07:59  
16 "read\_stream (timeline API, Newsfeed API) being  
17 publicly deprecated. Partner/contract only."  
18 Does that suggest to you that the  
19 decision at this point was to deprecate read stream  
20 and make it available to partners by contract only? 08:08:16  
21 MR. BLUME: Objection. Form. And scope.  
22 THE DEPONENT: I -- I think it's wrong to  
23 characterize anything as a -- as a decision. All  
24 we can say is that this deck had been produced by  
25 somebody and that was their belief or understanding 08:08:34

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1 at the time. I don't think this is representative 08:08:39

2 of a -- of a decision.

3 Q. (By Mr. Loeser) Okay. And when you say

4 "somebody," we know from the prior email that this

5 deck was prepared by Jackie Chang, right? 08:08:48

6 MR. BLUME: Objection.

7 Is there a Bates-stamped version, Derek?

8 Oh, forget it. That's a native. Got it.

9 Q. (By Mr. Loeser) Right.

10 Mr. Cross, if you go back to Exhibit 14, 08:09:08

11 you'll see that this is a presentation that was

12 sent by Jackie Chang to Ime Archibong and to you,

13 right?

14 A. Yes.

15 Q. Can you put up the prior -- sorry. I 08:09:29

16 talked at the same time as you, which I -- I

17 apologize for.

18 A. Apologies.

19 Yes, it looks like this deck was authored

20 by Jackie. 08:09:41

21 Q. Okay. So let's go back to the deck.

22 And if we look at the last slide of the

23 deck, it says "Partnerships Update."

24 And do you see "Partner Identification &

25 Impact Assessment"? 08:10:05

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1 A. I do. 08:10:06

2 Q. And the first bullet says "Product  
3 identified the 26,000 App IDs & 45+ affected APIs."

4 Do you say that -- see that?

5 A. I see that. 08:10:18

6 Q. And you recall you were involved in  
7 that -- in that bit of work, right?

8 A. I certainly was involved in pulling some  
9 data at various time. It's not clear that I was  
10 the source of those numbers. 08:10:28

11 Q. And then the next bullet says "XFN  
12 coordination," and then it lists a series of  
13 different types of -- of apps that should look  
14 familiar at this point because we've seen the same  
15 categorization in some of the documents that we've 08:10:41  
16 gone through, right?

17 A. Some of these are the same as categories  
18 in other documents.

19 Q. Okay. And it notes that Facebook was  
20 "deploying a top down and bottoms up T0 partner 08:10:55  
21 identification," right?

22 A. That's what it says on the slide.

23 Q. Okay. And you still don't recall what T0  
24 refers to?

25 A. As per my previous testimony, it's a 08:11:08

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1 categorization that was in use at the 08:11:11  
2 partnerships -- in the partnerships team at this  
3 time. But I don't recall what was categorized  
4 within T0, nor the criteria for that.

5 Q. And the next bullet says "Extensions & 08:11:25  
6 Private API Identification."

7 Do you see that?

8 A. I see that.

9 Q. And then it says "Granting no exemptions,  
10 except in the cases where we have:" 08:11:35

11 Do you see that?

12 A. I see that.

13 Q. And the first one to where there would be  
14 an exemption granted is "Wind-down"; is that right?

15 A. I don't think it's right to characterize 08:11:52  
16 this as deterministic as to why an exemption or  
17 extension would be granted. It's just a slide deck  
18 written by a person at a time. So that's what's on  
19 the slide.

20 Q. Okay. And this slide identifies 08:12:07  
21 circumstances where an exemption would be granted  
22 that would allow an app to continue to have access  
23 to data that would no longer be available after  
24 the transition to the new platform, right?

25 A. No. 08:12:28

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1 MR. BLUME: Form. And scope. 08:12:29

2 THE DEPONENT: No.

3 Q. (By Mr. Loeser) You're saying "no"  
4 because my statement is untrue?

5 A. That's correct. I don't think it 08:12:40  
6 specifies -- sorry.

7 Read me your question again, and I'll be  
8 able to point out the bit I was not able to agree  
9 with.

10 Q. Sure. I'll just ask another question. 08:12:48

11 This says that Facebook's going to be  
12 granting no exemptions, but then it lists some  
13 situations where it would be granting exemptions,  
14 right?

15 MR. BLUME: Objection to form. Scope. 08:12:58

16 THE DEPONENT: This does not -- sorry,  
17 Rob. Say it again.

18 MR. BLUME: Objection. Form. And scope.

19 THE DEPONENT: This doesn't represent  
20 Facebook's position on -- on -- on anything in 08:13:09  
21 particular. This is the -- what this person who  
22 authored the deck understood at the time.

23 Q. (By Mr. Loeser) Okay. So this person,  
24 Jackie Chang, who authored this deck at the time,  
25 February 14th, 2014 -- I'm sorry -- 08:13:24

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1 February 9th, 2014, believed that Facebook would be 08:13:30  
2 granting no exemptions except in the cases where we  
3 have "1. Wind-down" and "2. Private APIs"; is that  
4 right?

5 MR. BLUME: Objection. Form. And scope. 08:13:44

6 THE DEPONENT: That's what's on the  
7 slide.

8 Q. (By Mr. Loeser) And let's look at  
9 wind-down.

10 Do you know what wind-down means? 08:13:52

11 MR. BLUME: Objection. Scope.

12 THE DEPONENT: I wouldn't want to give  
13 like a Facebook answer to that. I think there's no  
14 standard definition for that.

15 In my personal capacity and having been 08:14:03  
16 involved in this, to me, that means that there  
17 would be a period by which those integrations would  
18 be deprecated or turned off over time.

19 Q. (By Mr. Loeser) And with regard to  
20 "Non-standard Platform Agreements specifying unique 08:14:22  
21 Backwards Compatibility"; is that what happened?

22 MR. BLUME: Objection. Form.

23 THE DEPONENT: I can't give answers in  
24 specific cases because I haven't investigated  
25 everything and memorized everything. 08:14:41

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1 But what I can say is that one thing 08:14:43  
2 you'll notice from this slide deck further up is  
3 that the plan of record in how to launch this  
4 differed relatively -- relatively drastically from  
5 what actually happened. 08:15:08

6 One of the big changes was the length of  
7 the deprecation window, a year. And one of the  
8 considerations would have been if there was a  
9 partner with a contract, we specified a notice  
10 period. And that notice period was less than the 08:15:28  
11 notice given than there would be a contractual need  
12 to comply. That's what it means by backwards  
13 compatibility.

14 Q. (By Mr. Loeser) Okay. So that was one  
15 of the situations where an exception would be 08:15:48  
16 provided to the deprecations from occurring on the  
17 time frame indicated in -- by Facebook, when it  
18 implemented the platform, right?

19 A. Not necessarily. The -- my -- my  
20 previous testimony is that if there was a 08:16:08  
21 relationship with a partner that had a notice  
22 period in the contract, then that might need to be  
23 considered in the -- the migration, although most  
24 of the entities that had private APIs had -- had  
25 contracts with us, had some form of private API. 08:16:35

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1 Q. Okay. And private API is another 08:16:38  
2 category.

3 But you describe a circumstance in which  
4 an exemption, as the -- as the format is presented  
5 here would -- would be granted. And that would be 08:16:45  
6 the backward compatibility-type contracts.

7 Facebook recognized there would need to  
8 be an exemption for that -- for that group?

9 A. It's -- it's -- it's possible -- the --  
10 the author of this deck suggests that that might be 08:16:59  
11 a possible reason to grant an extension or an  
12 exemption.

13 Q. Okay. So the author of this deck,  
14 Jackie Chang, thought that another possible reason  
15 was "Sensitive/strategic partner integrations 08:17:13  
16 requiring extension"; is that right?

17 MR. BLUME: Objection. Form. And scope.

18 THE DEPONENT: I can read what's on here,  
19 but this doesn't represent Facebook's position.  
20 This is what Jackie wrote in the slide. 08:17:26

21 Q. (By Mr. Loeser) Okay. And I -- I didn't  
22 see in the cover email -- it is -- does Jackie  
23 report to Ime Archibong, or did she at this time?

24 A. I don't know for -- for certain. But my  
25 understanding is that Jackie reported to Ime at 08:17:45

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1 this time. 08:17:49

2 Q. Okay. And did you see in that cover  
3 email any indication by Ime that he thought Jackie  
4 got it wrong when she described the circumstances  
5 for exemptions? 08:17:58

6 MR. BLUME: Objection. Form.

7 THE DEPONENT: I didn't see anything in  
8 the email thread, but that doesn't mean it -- there  
9 was -- there was disagreement or uncertainty at  
10 all. 08:18:13

11 I think -- remember, you're reading  
12 documents here about -- that -- that -- that are a  
13 team making progress as things shift around them.  
14 Nothing in here necessarily is -- is what happened  
15 or should have happened. 08:18:28

16 Q. (By Mr. Loeser) Okay. And then if we  
17 look at the next bullet in this presentation  
18 providing an update on -- what Facebook was going  
19 to be announcing about its platform change.

20 No. 2 is "Private APIs." 08:18:42

21 Do you see that?

22 A. I see it on the slide.

23 Q. And the bullet says --

24 MR. BLUME: Objection. Hold --

25 objection. Sorry. 08:18:47

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1                   Objection to the initial                   08:18:50

2           characterization.   And form to the question.

3           Q.     (By Mr. Loeser)   And you'll see the

4           bullet then says "Private use-cases for exemption

5           (i.e. Mobile RCP)."                   08:18:58

6                   What does that refer to?   What is --

7           what -- what are private use cases for exemption?

8           A.     My understanding is that this refers to

9           the existing integrations that had access to

10          private APIs, both before the change in the public           08:19:21

11          API service area and would be considered unaffected

12          by the changes to the public service area.

13          Q.     And are you aware of -- of any other

14          update or communication within the teams involved

15          in -- in the creation of this update of a different           08:19:57

16          format for determining when exemptions would be

17          granted?

18                   MR. BLUME:   Objection.   Scope.   Form.

19                   THE DEPONENT:   We've seen several

20          documents in this testimony that have very           08:20:11

21          different framings of what was launched, when --

22          what might be happening and why.   So we've already

23          looked at some alternatives I would suggest.

24          Q.     (By Mr. Loeser)   Okay.   And -- and we

25          went through a number of descriptions that referred           08:20:32

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1 to strategic partners; is that right? 08:20:34

2 MR. BLUME: Objection. Form.

3 THE DEPONENT: We went through a number

4 of documents which associated some entities with

5 the word "strategic." 08:20:44

6 Q. (By Mr. Loeser) When discussing whether

7 those partners would continue to have access to

8 publicly deprecated permissions, right?

9 MR. BLUME: Objection. Form.

10 THE DEPONENT: Generally, when we were 08:20:57

11 discussing the broad set of changes to the public

12 platform surface area.

13 Q. (By Mr. Loeser) So I want to make sure

14 we're clear so far on the record and the transition

15 to the new platform. 08:21:22

16 We've gone through a number of documents

17 in which the platform team and the developer

18 operations team discussed the changes that we

19 made -- that we made to the social Graph when Graph

20 API version 2 was implemented, right? 08:21:35

21 MR. BLUME: Objection. Form.

22 THE DEPONENT: Sorry. Yeah, I'm -- I'm

23 not -- I'm not what -- what specifically I'd be

24 agreeing to the affirmative there.

25 Q. (By Mr. Loeser) Well, I guess we can 08:21:50

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1 read the question back and see if there's anything 08:21:51  
2 unclear about it.

3 So I want to make sure we are clear so  
4 far on the record and the transition to the new  
5 platform. We've gone through a number of documents 08:22:02  
6 in which the platform team and the developer  
7 operations team discussed the changes that would be  
8 made to the social Graph when Graph API version 2  
9 was implemented, right?

10 MR. BLUME: Objection. Form. 08:22:18

11 THE DEPONENT: So we've looked at a  
12 number of documents that refer to the changes that  
13 were ultimately launched on April the 30th, 2014.

14 Q. (By Mr. Loeser) And these changes  
15 included publicly deprecating certain APIs that 08:22:31  
16 were considered sensitive, including friend and  
17 read stream permissions, right?

18 MR. BLUME: Objection. Form.

19 THE DEPONENT: API version 2 removed the  
20 friend permissions. That was one of the changes 08:22:46  
21 launched at the time.

22 Q. (By Mr. Loeser) And we've seen a variety  
23 of discussions of the fact that certain apps and  
24 partners would continue having access to certain of  
25 the publicly deprecated APIs, right? 08:23:00

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1 term. 08:24:16

2 Q. Sure.

3 Let's -- Ime Archibong, for example. KP.

4 Eddie O'Neil.

5 The people on these various emails we've 08:24:24

6 looked at are people who discussed and evaluated

7 how to choose which apps and partners would

8 continue having access to publicly -- publicly

9 deprecated APIs, right?

10 MR. BLUME: Objection. Form. 08:24:39

11 THE DEPONENT: We've seen a number of

12 email threads and documents where a number of

13 Facebook employees are discussing whether or not to

14 offer extensions or exemptions to the changes and

15 how that might be framed. 08:24:56

16 Q. (By Mr. Loeser) And sometimes how that  
17 might be framed was referred to by KP, for example,  
18 as a format, right?

19 MR. BLUME: Objection. Form.

20 THE DEPONENT: I -- KP may refer to that. 08:25:15

21 You can bring that up in a document again, if you

22 want me to agree to it. But what KP referred to it

23 is what KP referred to it.

24 Q. (By Mr. Loeser) Okay. And sometimes it

25 was referred to as a framework; is that right? 08:25:27

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1 MR. BLUME: Objection. Form. 08:25:30

2 THE DEPONENT: I don't know what you're  
3 referring to with the -- with the phrase "it."

4 Q. (By Mr. Loeser) Oh. The discussion as  
5 to which apps and partners would continue to have 08:25:38  
6 access to deprecated permissions.

7 MR. BLUME: Objection. Form.

8 THE DEPONENT: So again, I think you're  
9 mixing a few concepts up there. You're suggesting  
10 there's a specific framework and then you're 08:25:51  
11 talking about a number of -- there's a wide range  
12 of discussions that happened on this topic  
13 involving different people at different times.

14 Q. (By Mr. Loeser) Nonetheless, there was a  
15 discussion of -- of a framework that could be or 08:26:04  
16 would be developed to determine which apps and  
17 partners would continue to have access to  
18 deprecated permissions and which would not, right?

19 MR. BLUME: Objection. Form. And scope.

20 THE DEPONENT: What we've reviewed today 08:26:17  
21 is there's a number of people attempting to put  
22 together some suggestions or ways to think about  
23 whether or not certain entities should or should  
24 not be given additional access. But we have not  
25 reviewed anything that necessarily ever got 08:26:42

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1 implemented. 08:26:46

2 Q. (By Mr. Loeser) Okay. And it's fair to

3 say that deciding what apps and partners would

4 retain access to publicly deprecated permissions

5 was an important decision for Facebook, right? 08:26:53

6 MR. BLUME: Objection. Form.

7 THE DEPONENT: I think when we're making

8 changes to the platform, we wanted to be

9 considerate about how those changes would be

10 implemented and the impact they would have on users 08:27:12

11 and developers.

12 Q. (By Mr. Loeser) Losing access to

13 friend-sharing permissions, for example, could

14 damage relationships that Facebook have with app

15 develop- -- developers and strategic partners, 08:27:25

16 right?

17 MR. BLUME: Objection. Form.

18 THE DEPONENT: Any change to the Facebook

19 development --

20 MR. BLUME: Form and scope. 08:27:33

21 THE DEPONENT: Sorry. Can you repeat the

22 question again.

23 Q. (By Mr. Loeser) Losing access to

24 friend-sharing permissions, for example, could

25 damage relationships that Facebook had with app 08:27:50

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1 developers and strategic partners, right? 08:27:53

2 MR. BLUME: Same objection.

3 THE DEPONENT: As a platform, when you

4 make changes of -- of any type, they can have

5 impact on the developers and users of your 08:28:06

6 platform, and this set of changes was -- was no

7 exception.

8 Q. (By Mr. Loeser) And granting exemptions

9 was also a big deal for Facebook because it

10 protected important relationships it had with 08:28:19

11 developers and partners, right?

12 MR. BLUME: Objection. Form.

13 THE DEPONENT: There were integrations

14 that were valuable to users and to developers and

15 to Facebook. And it was -- it was valuing 08:28:34

16 continuing those -- sorry.

17 Can you repeat the question again? I

18 want to make sure I'm answering.

19 Q. (By Mr. Loeser) And granting exemptions

20 was also a big deal for Facebook because it 08:28:57

21 protected important relationships it had with

22 developers and partners, right?

23 A. I don't feel I can represent like whether

24 or not this was important to Facebook.

25 I can -- I can say that when you're 08:29:13

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1 making changes to your developer platform and 08:29:15  
2 there's integrations which are existing and  
3 valuable to people and developers and Facebook,  
4 that some of those might -- you may want to  
5 continue and changing -- but because of their value 08:29:36  
6 to people, developers and Facebook.

7 Q. The Facebook management team was aware  
8 that some developers and partners would retain  
9 access to deprecated permissions, like friend  
10 sharing, after the implementation of Graph API 08:29:51  
11 version 2, right?

12 A. Can you repeat the question, please.

13 MR. LOESER: Rebecca, do you mind reading  
14 the question back.

15 (Record read as follows: 08:30:00

16 "QUESTION: The Facebook management  
17 team was aware that some developers  
18 and partners would retain access to  
19 deprecated permissions, like friend  
20 sharing, after the implementation of 08:30:00  
21 Graph API version 2, right?")

22 MR. BLUME: Objection. Form.

23 THE DEPONENT: The changes to the public  
24 API surface area, there were -- there were -- there  
25 were no plans, I'm aware of, to, at the time, 08:30:27

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1 deprecate the device integrations or other 08:30:30

2 integration partners.

3 Q. (By Mr. Loeser) And Mr. Cross, Facebook

4 management was aware of that, right?

5 MR. BLUME: Objection. Form. 08:30:41

6 THE DEPONENT: I can't say if Facebook

7 management was aware. There's a number of threads

8 on this topic.

9 Q. (By Mr. Loeser) Was Mark Zuckerberg

10 aware of that? 08:30:54

11 MR. BLUME: Objection. Form.

12 THE DEPONENT: I don't know if

13 Mark Zuckerberg was aware of that.

14 MR. LOESER: Let's look at -- introduce a

15 new exhibit. 08:31:06

16 (Exhibit 342 was marked for

17 identification by the court reporter and is

18 attached hereto.)

19 MR. LOESER: We'll mark Exhibit 342.

20 Q. (By Mr. Loeser) This is an email from 08:31:30

21 Eddie O'Neil to Mark Zuckerberg with a cc to Mike

22 Vernal, Douglas Purdy and Ilya Sukhar, dated

23 January 27th, 2014, "Subject: platform model

24 changes."

25 Do you see that? 08:31:44

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1 A. I see that. 08:31:45

2 Q. And who, of the recipients of this email,  
3 was on the Facebook management team at this time?

4 A. Can you help me understand what you mean  
5 by the "Facebook management team"? 08:31:58

6 Q. Sure.

7 There was the document earlier that was  
8 the M Team, and I'm referring to the M Team.

9 Is that the management team?

10 A. Well, there's -- there's a thing called 08:32:09  
11 the M Team, which is Mark's -- Mark's leadership  
12 group.

13 Q. So -- so who -- who, on this list, would  
14 be considered Facebook leadership?

15 MR. BLUME: Objection. Form. And scope. 08:32:23

16 THE DEPONENT: I mean, I think it's  
17 reasonable to assume Mark would be considered  
18 Facebook leadership. But I couldn't answer the  
19 question as to which other people on the thread  
20 were on the M Team at the time. 08:32:37

21 Q. (By Mr. Loeser) What was Eddie O'Neil's  
22 position at the time?

23 A. Again, I don't want to give a canonical  
24 answer, but my understanding is he was a product  
25 manager on the Facebook platform team. 08:32:54

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1 Q. And if you look at the first line of 08:32:58  
2 Mr. O'Neil's email to Mark Zuckerberg, he states  
3 "Hi Mark - attached are the slides we reviewed and  
4 a list of key apps affected by the API  
5 deprecations/privatizations." 08:33:10

6 Do you see that?

7 A. I see that.

8 Q. And do you see that he writes "To clarify  
9 my perspective: I feel strongly that we should make  
10 these changes - want to be sure we've considered 08:33:23  
11 alternative viewpoints, but my opinion is solid.  
12 We need to realign our relationship with developer  
13 in order to put the ecosystem in a sustainable  
14 place and to improve user trust."

15 Do you see that? 08:33:34

16 A. I do see that.

17 Q. So does this indicate to you, as  
18 Facebook's corporate designee, that Mr. Zuckerberg  
19 was made aware of the platform model changes that  
20 would occur when the platform 3.0 was implemented? 08:33:46

21 MR. BLUME: Objection. Form. Scope.

22 THE DEPONENT: I -- it -- it would  
23 indicate to me that Mark had received this email.  
24 I don't know whether or not he was aware of it. It  
25 doesn't mean he necessarily read the email. So I 08:34:07

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1 it as a significant event for Facebook? 08:35:54

2 MR. BLUME: Objection. Scope.

3 THE DEPONENT: I -- I wouldn't want to --

4 it's -- it's an event. There are many events. I

5 don't think it necessarily needs to be pegged as 08:36:06

6 significant.

7 Q. (By Mr. Loeser) Is it something that

8 people who present at the event do some preparation

9 in advance or do they just wing it?

10 MR. BLUME: Objection. Form. Scope. 08:36:20

11 THE DEPONENT: Typically, when you speak

12 at F8, you've done a little prep.

13 Q. (By Mr. Loeser) And the reason for the

14 prep is so that you can speak accurately?

15 MR. BLUME: Objection. Form. 08:36:37

16 THE DEPONENT: So you can deliver -- in

17 general, preparation helps you deliver a good

18 presentation.

19 Q. (By Mr. Loeser) And is a good

20 presentation also a presentation that is accurate? 08:36:49

21 A. Again, I'm not going to offer a Facebook

22 answer to that.

23 In my personal capacity, when presenting,

24 I would generally like to be accurate.

25 MR. BLUME: Is this a good time for a 08:37:16

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1 break, Derek? We've been going about an hour. 08:37:17

2 MR. LOESER: Sure. Sure. Let's try and

3 keep it a little shorter than some of the other

4 ones. But if we actually can get back on in ten

5 minutes, that would be great. 08:37:28

6 We can go off the record.

7 THE VIDEOGRAPHER: Okay. We're off the

8 record. It's 8:37 p.m.

9 (Recess taken.)

10 THE VIDEOGRAPHER: We're back on the 08:37:34

11 record. It's 8:50 p.m.

12 Q. (By Mr. Loeser) Mr. Cross, you mentioned

13 the April 30th, 2018, F8 conference; is that right?

14 A. April the 30th, 2014.

15 Q. 2014. I'm sorry. 08:50:31

16 And -- and that is the F8 where Facebook

17 announced the changes that were being made to the

18 platform with the introduction of Graph API

19 version 2, right?

20 A. That's the event where Graph API 08:50:44

21 version 2 and the new login were -- were announced

22 publicly.

23 Q. And were you at the April 30th, 2014, F8?

24 A. I was at the event.

25 Q. And was -- was Ime Archibong at that 08:51:04

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1 event? 08:51:06

2 A. I couldn't say for certain. I -- I  
3 would -- he may -- he may well have been, but I  
4 couldn't say for certain.

5 Q. And do you know -- and I'll just list the 08:51:17  
6 names and you tell me if you know if they were  
7 there.

8 Was Eddie O'Neil at that event?

9 A. Eddie O'Neil was there.

10 Q. And was Jackie Chang at that event? 08:51:25

11 A. I don't know if Jackie Chang was there.

12 Q. Was KP at that event?

13 A. I don't know for certain if KP was there.

14 Q. Now, the keynote at the F8 was -- was  
15 delivered by Mark Zuckerberg; is that right? 08:51:41

16 A. That's correct.

17 Q. And was that normally what happened at  
18 the F8?

19 A. Mark has historically given the keynote  
20 at F8s. 08:51:59

21 Q. And -- and that's so he can deliver  
22 important news or information about Facebook for  
23 that year?

24 MR. BLUME: Objection. Form.

25 THE DEPONENT: Yes. So that Mark can 08:52:09

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1 update our developer community on what he -- what 08:52:12  
2 we're going to launch and what he thinks is coming  
3 next.

4 Q. (By Mr. Loeser) We have a video clip of  
5 that portion of Mr. Zuckerberg's keynote address 08:52:24  
6 and we're going to play it. And then I'll have a  
7 few follow-up questions for you about what he said.

8 Okay?

9 A. Okay.

10 (Video playing.) 08:52:34

11 Q. (By Mr. Loeser) Were you able to hear  
12 that, Mr. Cross?

13 A. I could hear that, yeah.

14 Q. Okay. So during that keynote  
15 presentation, Mr. Zuckerberg described the changes 08:53:50  
16 that were going to be made with regard to the  
17 sharing of friend information, in particular; is  
18 that right?

19 A. He talked about how the -- the API for  
20 most developers was going to change. 08:54:07

21 Q. And he -- he didn't actually use the  
22 phrase "most developers," did he?

23 A. I don't recall exactly.

24 MR. LOESER: Well, we have a copy of the  
25 transcript and we can mark this as the next 08:54:24

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1 exhibit, which has previously been marked as 08:54:26  
2 Exhibit 17.

3 Q. (By Mr. Loeser) And I'll represent to  
4 you that this is a transcript of Mr. Zuckerberg's  
5 April 30th, 2014, keynote address at the F8. 08:54:40

6 And if we go to the fifth page -- do you  
7 see the paragraph in the middle, "And in the past,  
8 when one of your friends logged into an app, in  
9 this case Ilya, the app could ask him not only to  
10 share his data but also data that his friends had 08:55:07  
11 shared with him."

12 Do you see that?

13 A. I see that.

14 Q. And having just listened to the -- the  
15 recording of the presentation, do those words look 08:55:14  
16 familiar to you?

17 A. They do.

18 Q. And so what Mr. Zuckerberg said is, "So  
19 now we're going to change this and we're going to  
20 make it so that now everyone has to choose to share 08:55:28  
21 their own data with an app themselves"; is that  
22 right?

23 A. That's what he said.

24 Q. So -- and for that to occur, that would  
25 mean that -- that no app would get access to data 08:55:41

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1 about anyone other than the Facebook user using the 08:55:45  
2 app, correct?

3 A. I'm not sure that is -- has to be true  
4 for -- for this to make sense.

5 Q. Okay. So tell me what -- when -- when he 08:55:58  
6 says so -- "So now we're going to change this and  
7 we're going to make it so that now everyone has to  
8 choose to share their own data with an" apps  
9 themselves -- "with an app themselves," in that  
10 statement, is there some indication that -- that 08:56:11  
11 not everyone has to choose to share their own data  
12 with an app themselves?

13 MR. BLUME: Objection. Form. Scope.

14 THE DEPONENT: So -- sorry. Ask the  
15 question again, please. 08:56:29

16 Q. (By Mr. Loeser) Mr. Zuckerberg stated  
17 "So now we're going to change this and we're going  
18 to make it so that now everyone has to choose to  
19 share their own data with an app themselves,"  
20 right? 08:56:38

21 A. That's what he said.

22 Q. Okay. He didn't say "We're going to make  
23 it so that now some people have to choose to share  
24 their own data with an app themselves," did he?

25 A. He didn't say that. Assuming this is his 08:56:51

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1 transcript. 08:56:57

2 Q. Okay. And now, Mr. Cross, it's true, is  
3 it not, that after the transition to Graph API  
4 version 2 -- strike that.

5 It is not true that after the transition 08:57:17  
6 to Graph API version 2, "No app would get access to  
7 data about anyone other than the Facebook user  
8 using the app", correct?

9 A. Mark is speaking here to the broad  
10 develop community and referring to the generally 08:57:34  
11 publicly available Facebook developer platform.  
12 And over time, we transitioned all applications  
13 to -- we transitioned most applications to  
14 version 2 and ultimately deprecated the friend  
15 permissions for everyone. 08:58:00

16 Q. Okay. Mr. Cross, show me where in this  
17 statement that Mr. Zuckerberg made at the --  
18 April 30th, 2018, he suggests that -- that some  
19 people would have to choose to share their own data  
20 but others would not have that ability. 08:58:13

21 A. Well, so an application that had been  
22 upgraded or migrated to version 2, it was part of  
23 the public API surface area. The behavior is the  
24 same for all users.

25 Q. Yeah. Mr. Cross, let's go back to the 08:58:32

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1 transcript because I really -- I'm trying to 08:58:33  
2 understand what words were said and what were not.  
3 And when Mr. Zuckerberg said "So now  
4 we're going to change this and we're going to make  
5 it so that now everyone has to choose to share 08:58:44  
6 their own data with an app themselves," that was  
7 not a true statement, was it?  
8 MR. BLUME: Objection. Form. And scope.  
9 THE DEPONENT: So I -- I can't like give  
10 the, you know -- like I can't be sure exactly what 08:59:01  
11 Mark had in his head when he said this. Only he  
12 can -- this is his transcript.  
13 So what was the question again? Sorry.  
14 MR. LOESER: If we could read the  
15 question back, please, Rebecca. 08:59:28  
16 (Court Reporter initiates discussion off  
17 the record.)  
18 MR. LOESER: I can -- I can restate the  
19 question.  
20 Q. (By Mr. Loeser) When Mr. Zuckerberg 09:00:03  
21 stated at the F8, "So now we're going to change  
22 this and we're going to make it so that now  
23 everyone has to choose to share their own data with  
24 an app themselves," that was not a true statement  
25 at time, was it? 09:00:15

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1 MR. BLUME: Objection. Form. And scope. 09:00:17

2 THE DEPONENT: That is -- that is true

3 for the public API surface area, once all apps had

4 been transitioned to API version 2 and the friend

5 permissions have been deprecated for everyone. 09:00:37

6 Q. (By Mr. Loeser) It was never the case,

7 Mr. Cross, that everyone was given the opportunity

8 to choose to share their own data with an app

9 themselves because of the exemptions that were made

10 to the deprecations of friend-sharing APIs; isn't 09:00:53

11 that right?

12 A. The friend permissions were deprecated

13 and removed for everybody over time. The migration

14 here is a process, and it took time. But as of

15 now, there are no friend permissions and that is 09:01:14

16 the case for everyone.

17 Q. And you're talking about as of now, as of

18 2022?

19 A. I am talking about as of now, as of 2022.

20 Q. So this was announced in 2014; is that 09:01:33

21 right?

22 A. He's making this announcement in 2014.

23 Q. Okay. So in 2015, it was not true that

24 everyone has to choose to share their own data with

25 an app themselves, right? 09:01:47

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1 MR. BLUME: Objection. Form. And scope. 09:01:49

2 THE DEPONENT: The migration to -- from  
3 API v1 to v2 took a long period of time. And  
4 continued into 2016 -- into 2015, and continued on.

5 Q. (By Mr. Loeser) And so the answer to my 09:02:11  
6 question is correct?

7 MR. BLUME: Objection. Form.

8 THE DEPONENT: Sorry. I'm not sure what  
9 I'm agreeing to there.

10 Q. (By Mr. Loeser) My question is, in 2015, 09:02:25  
11 it was not true that everyone had to choose to  
12 share their own data with an app themselves, right?

13 MR. BLUME: Same objection.

14 THE DEPONENT: In 2015 -- in 2015, API  
15 version 1 was still available to any application 09:02:41  
16 that had been created before F8 2014.

17 Q. (By Mr. Loeser) Okay. And after the new  
18 platform became operative in 2015, it was still not  
19 true that everyone has to choose to share their own  
20 data with an app themselves, right? 09:02:57

21 MR. BLUME: Objection. Form.

22 THE DEPONENT: The deprecation of API v1  
23 and the friend permissions was a process that took  
24 some time.

25 Q. (By Mr. Loeser) Okay. So can you answer 09:03:08

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1 my question? 09:03:10

2 A. Sorry. In -- repeat the question,  
3 please.

4 Q. After the new platform became operative  
5 in 2015, it was still not true that everyone has to 09:03:23  
6 choose to share their own data with an app  
7 themselves, right?

8 A. Well, the -- the -- after the new  
9 platform version became operative, there was still  
10 a migration process underway that took some more 09:03:42  
11 time and that continued into -- into 2015.

12 Q. Okay. So can you answer my question,  
13 please.

14 MR. BLUME: Objection. Form.

15 THE DEPONENT: So in API version 2, there 09:03:58  
16 were -- in 2015, there were still apps in the  
17 process of migrating from one to the other and that  
18 process continued. And while that process  
19 continued, then some applications had access to  
20 friends information. 09:04:24

21 Q. (By Mr. Loeser) So the answer to my  
22 question is correct?

23 MR. BLUME: Objection. Form.

24 THE DEPONENT: I feel like I've answered  
25 the question. I'll restate my testimony again. 09:04:36

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1           The migration from version 1 to version 2           09:04:38  
2       took a period of time. And while that took place  
3       there were some applications that retained the  
4       ability to access friends information.

5           Q.     (By Mr. Loeser) And because the           09:04:57  
6       migration took, as you say, a long period of time,  
7       it was not true that everyone could choose to share  
8       data with an app themselves in 2015, after the new  
9       platform was introduced, correct?

10          MR. BLUME: Objection. Form. Scope.           09:05:07

11          THE DEPONENT: As I've explained, the way  
12       the platform migration worked is it took a period  
13       of time and during that migration period some apps  
14       had the ability to access friends information until  
15       the friend permissions were finally removed for       09:05:24  
16       everyone.

17          Q.     (By Mr. Loeser) And, sir, I'm going to  
18       ask you to answer my question again. And we can  
19       read the question back. And I understand your  
20       reference to the migration taking a long period of       09:05:35  
21       time, but my question is very specific.

22          Because the migration took a long period  
23       of time, as you say, it was not true that everyone  
24       could choose to share data with an app themselves  
25       in 2015, after the platform became operative,       09:05:48

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1 correct? 09:05:52

2 MR. BLUME: Objection. Form.

3 THE DEPONENT: The platform -- the

4 platform became operative for -- for new

5 applications in 2014, so -- I mean, again, in 2015, 09:05:57

6 while the process of migration was still underway,

7 apps -- some apps retained the ability to access

8 friends information until the friend permissions

9 were ultimately deprecated.

10 Q. (By Mr. Loeser) And that was also true 09:06:23

11 in 2016, correct?

12 A. In 2016, there were still some

13 applications that had access to friends

14 information.

15 Q. And that was also true in 2017, correct? 09:06:33

16 A. In 2017, there were some integrations

17 that still retained access to friends information.

18 Q. And that is still true in 2017, correct?

19 A. In 2017, there were some applications

20 that had access to friends information due to being 09:06:55

21 integration partners.

22 Q. And that's -- that was true in 2018 also,

23 correct?

24 A. The friend permissions were ultimately

25 deprecated for all apps for all users in 2018. 09:07:08

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1 Q. And in 2019, there were still some apps 09:07:14  
2 that emitted friend data; isn't that right?

3 A. The friend permissions were deprecated  
4 for -- removed for everybody, for all apps, in  
5 March 2018. 09:07:25

6 Q. Right. But as we talked about on Monday,  
7 there are other APIs that emit friend data even  
8 though they're not friend permissions; isn't that  
9 right?

10 MR. BLUME: Objection. Form. 09:07:36

11 THE DEPONENT: Can you remind me what you  
12 define as friends data?

13 Q. (By Mr. Loeser) Well, we went through  
14 this in some detail on Monday. But the post APIs  
15 and the groups APIs and the events APIs and the 09:07:51  
16 tagable friends APIs, the inviteable friends API,  
17 those were all APIs that you testified did emit  
18 friend data, right?

19 A. Those APIs -- some of them emitted very  
20 limited amounts of information. But those APIs, as 09:08:08  
21 I understand it, were still operational in 2018.

22 Q. And those were still operational in 2019,  
23 too, right?

24 A. I -- many updates to the platform  
25 happened in 2018, including a new API version which 09:08:27

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1 dramatically limited the amount of information 09:08:31  
2 available to applications even further.

3 Q. Nonetheless, there were still apps  
4 emitting friend data in 2019, right?

5 A. In 20- -- in 2019, there were some apps 09:08:44  
6 discovered that still had access to friends  
7 information.

8 Q. And that's true in 2020, as well, right?

9 A. My understanding is that all of the apps  
10 that were discovered that had access to friends 09:09:03  
11 information were removed in 2018.

12 Q. Except for the apps that you talked about  
13 on Monday that weren't friends permissions but  
14 emitted friend data, right?

15 A. I'm not sure exactly the state of the 09:09:27  
16 APIs in 2019.

17 Q. And what about in 2020?

18 MR. BLUME: Objection. Form.

19 THE DEPONENT: Again, the APIs, as they  
20 exist in 2019 and -- and 2020, I count -- I do not 09:09:41  
21 know exactly the details of how those APIs  
22 function.

23 Q. (By Mr. Loeser) So you can't testify  
24 today as to whether Facebook continues to allow  
25 apps to emit friend data in 2020? 09:09:58

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1 MR. BLUME: Objection. Form. 09:10:03

2 THE DEPONENT: The friend permissions  
3 were deprecated in 2018. And the API was updated  
4 also in 2018 to significantly reduce the amount of  
5 information that was available to applications. 09:10:16

6 And there was -- those were major steps forwards  
7 [sic] in reducing the amount of data available to  
8 apps.

9 Q. (By Mr. Loeser) Understood.

10 But as you said, in 2019, there were 09:10:31  
11 still APIs that emitted some friend data, right?

12 A. I'm not confident in understanding how  
13 the API worked in 2019.

14 Q. So can you, as Facebook's corporate  
15 designee today, testify as to whether there are 09:10:51  
16 APIs in use in 2019, 2020, 2021 and 2022 that still  
17 emit some friend data?

18 MR. BLUME: Objection. Form.

19 THE DEPONENT: I do not know how -- in  
20 detail how the APIs work today or worked in 2018, 09:11:09  
21 '19 and '20.

22 Q. (By Mr. Loeser) So the answer to my  
23 question is no, as the corporate designee, you  
24 cannot testify and provide an answer to that  
25 question? 09:11:24

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1 MR. BLUME: Objection. Form. 09:11:26

2 THE DEPONENT: I can't say for certain  
3 how the API functions today or in the last three  
4 years.

5 Q. (By Mr. Loeser) But on Monday you were 09:11:34  
6 able to testify about the friend data that these  
7 other APIs that we talked about did emit some  
8 friend information; is this right?

9 A. Which other APIs are you referring to?

10 I think that probably matters. 09:11:46

11 Q. The ones that we just went through; the  
12 groups, events, posts, tagable friends, inviteable  
13 friends, the whole list.

14 A. Those APIs were deprecated in the past.  
15 I think most of those APIs were deprecated in 2018. 09:12:03

16 Q. You think. But who -- who knows for  
17 sure?

18 A. The tagable friends and the inviteable  
19 friends API were certainly deprecated in 2018, and  
20 these APIs -- the -- the change log of which APIs 09:12:17  
21 were deprecated and when is available on Facebook's  
22 developer website.

23 I just haven't memorized all of that  
24 information for you.

25 Q. So perhaps on Monday you could testify as 09:12:29

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1 to when those other APIs that emitted friend data 09:12:31

2 were deprecated, if they were.

3 Is that something you can investigate?

4 MR. BLUME: Objection. Form.

5 Noted. 09:12:48

6 Q. (By Mr. Loeser) Now, Mr. Cross, it is

7 not true that after the transition to Graph API

8 version 2 no app would get access to data about

9 anyone other than the Facebook user using the app,

10 right? 09:13:01

11 MR. BLUME: Objection. Form.

12 THE DEPONENT: Sorry. Can you repeat --

13 can you repeat the question.

14 MR. LOESER: Sure. If we could read it

15 back, please. 09:13:06

16 THE COURT REPORTER: Wait. Could you

17 slow down a little bit, Mr. Loeser.

18 MR. LOESER: Sure. I'm sorry. And I can

19 just read the question again.

20 THE COURT REPORTER: Thank you. 09:13:06

21 Q. (By Mr. Loeser) Mr. Cross, it is not

22 true that after the transition to Graph API

23 version 2, no app would get access to data about

24 anyone other than the Facebook user using the app,

25 correct? 09:13:28

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1 MR. BLUME: Objection. Form. 09:13:31

2 THE DEPONENT: The way the APIs  
3 functioned was that the -- even after the  
4 deprecation of the -- the friend permissions, there  
5 were still cases where an app would emit some 09:13:41  
6 information about people who had interacted with  
7 the content that the app user had posted.

8 Q. (By Mr. Loeser) So the answer to my  
9 question is, correct, it is not true that no app  
10 would get access to data about anyone other than 09:14:01  
11 the Facebook user using the app after Graph AP one  
12 [sic] version 2 was implemented?

13 A. Graph API version 2 removed the friend  
14 permissions from the public surface area of the  
15 API. But there were no guarantees made about other 09:14:16  
16 information that the API would emit.

17 Q. And Mr. Zuckerberg didn't say in his  
18 keynote address that they were deprecating friend  
19 permissions for most apps, but they were going to  
20 continue to allow access to those apps after 09:14:34  
21 Graph -- Graph API version 2 was implemented for  
22 certain partners chosen by Facebook, right?

23 That's not in his keynote address, is it?

24 MR. BLUME: Objection. Form. Scope.

25 THE DEPONENT: You have the transcript of 09:14:51

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1 what he said in the keynote. 09:14:52

2 Q. (By Mr. Loeser) And -- and when I played  
3 the portion of the transcript, you didn't hear him  
4 say those words; is that right?

5 MR. BLUME: Objection. Form. Scope. 09:15:01

6 THE DEPONENT: I didn't hear Mark say the  
7 words that you just said.

8 Q. (By Mr. Loeser) And at the time that  
9 Mr. Zuckerberg made these statements, Facebook knew  
10 that certain app developers and partners with, 09:15:10  
11 quote, nonstandard platform agreements, unquote,  
12 would be given continued access to friend data  
13 after Graph AP one -- API version 2 was  
14 implemented, right?

15 MR. BLUME: Objection. Asked and 09:15:23  
16 answered.

17 THE DEPONENT: The -- at the time there  
18 were -- the -- there were a number of integrations  
19 that existed through -- device integrations and  
20 integration partners. And there was, as I 09:15:38  
21 understand it, no plans to deprecate those.

22 Mark is speaking to a public developer  
23 audience and referring to the public developer  
24 platform.

25 Q. (By Mr. Loeser) And just to be clear, 09:15:55

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1 Mr. Zuckerberg knew that certain app developers and 09:15:55  
2 partners with nonstandard platform agreements would  
3 be given continued -- continued access to friend  
4 data after Graph API version 2 was implemented,  
5 right? 09:16:09

6 MR. BLUME: Objection. Asked and  
7 answered. Form and scope.

8 THE DEPONENT: Sorry, Rob. Can you  
9 say --

10 Q. (By Mr. Loeser) Sure. 09:16:18

11 MR. BLUME: Sure. I objected that --  
12 that it was asked and answered. And I objected to  
13 form and scope.

14 Q. (By Mr. Loeser) At the time  
15 Mr. Zuckerberg gave his keynote address on 09:16:25  
16 April 30th, 2014, at the F8, Facebook knew that  
17 certain app developers and partners with  
18 nonstandard platform agreements would be given  
19 continued access to friend data after Graph AP one  
20 version 2 was implemented, right? 09:16:42

21 MR. BLUME: Objection. Scope. Form.

22 THE DEPONENT: Sorry. Say that again,  
23 Rob.

24 MR. BLUME: Yeah. Objection to form.

25 THE DEPONENT: There were apps still on 09:17:00

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1 whitelists and there were no plans that I was aware 09:17:04  
2 of to -- to deprecate the integration partners that  
3 were already in existence.

4 Q. (By Mr. Loeser) So the answer to my  
5 question is "yes"? 09:17:22

6 MR. BLUME: Objection. Form.

7 THE DEPONENT: Sorry. I feel  
8 like I've -- I feel like I've answered the  
9 question.

10 I don't -- I don't know what 09:17:31  
11 Mark Zuckerberg knew. He was aware that the -- he  
12 would have been aware. And we've seen the email  
13 sent to him, that made him aware of what the  
14 changes were. But I don't know what he would have  
15 known about the plans to continue with integration 09:17:49  
16 partners and so on.

17 Q. (By Mr. Loeser) And as Facebook's  
18 corporate -- sorry. Go ahead.

19 A. Sorry. Go ahead.

20 Q. As Facebook's corporate designee today, 09:18:02  
21 tell the jury -- isn't it true that Facebook knew  
22 that certain app developers and partners with  
23 nonstandard platform agreements would be given  
24 continued access to user friends data after  
25 Graph API version 2 was implemented? 09:18:19

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1 MR. BLUME: Objection. Form. 09:18:21

2 THE DEPONENT: The changes announced at

3 F8 2014 reflected major changes to the Facebook

4 developer platform for most apps and most

5 developers a significant change to the way the 09:18:37

6 platform worked.

7 Facebook had relationships with entities

8 that built integrations into devices, mobile phones

9 and operating systems that provided great value to

10 users and those were planned to continue. 09:18:59

11 Q. (By Mr. Loeser) And Mr. Cross, I'd

12 appreciate it if you could answer the question.

13 I've asked you a yes-or-no question about what

14 Facebook knew. And I can have the question read

15 back, if you want. But I would like you to answer 09:19:14

16 the question I asked.

17 And that question is, as Facebook's

18 corporate designee today, tell the jury, isn't it

19 true that Facebook knew that certain app developers

20 and partner with nonstandard platform agreements 09:19:26

21 would be given continued access to user friend data

22 after Graph API version 2 was implemented?

23 MR. BLUME: Objection. Form.

24 THE DEPONENT: There were -- it was -- it

25 was expected that, as with many cases and many 09:19:47

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1 companies, that there would be experiences that we 09:19:54  
2 wanted certain developers to build that would not  
3 be possible via the standard public platform, and  
4 we wanted those integrations to -- to continue  
5 providing value to users, developers and Facebook. 09:20:11

6 Q. (By Mr. Loeser) And I appreciate that  
7 explanation, but that was not the question I asked  
8 you.

9 I'm asking you about what Facebook knew.  
10 And I would like you to answer my question about 09:20:21  
11 what Facebook knew at the time Mr. Zuckerberg made  
12 his statements at the F8.

13 Would you like me to read the question  
14 again?

15 A. Yes. Please read the question again. 09:20:34

16 Q. As Facebook's corporate designee, tell  
17 the jury, isn't it true that Facebook knew that  
18 certain app developers and partners with  
19 nonstandard platform agreements would be given  
20 continued access to user friend data after 09:21:04  
21 Graph API version 2 was implemented?

22 A. Facebook had agreements with certain  
23 developers that allowed them to build experiences  
24 that had continued access to friend information for  
25 a period of time and that was planned to continue. 09:21:31

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1 Q. So the answer to my question is, yes, at 09:21:38  
2 the time Mr. Zuckerberg made his statements,  
3 Facebook knew that certain partners would continue  
4 having access to friend data after Graph API  
5 version 2 was implemented, correct? 09:21:52

6 MR. BLUME: Objection. Form.

7 THE DEPONENT: Certain appli- -- sorry.  
8 Say again, Rob.

9 MR. BLUME: I objected to the form of the  
10 question. 09:22:03

11 THE DEPONENT: And I feel like I'm  
12 answering your question -- I feel like I've  
13 answered your question a few times now.

14 SPECIAL MASTER GARRIE: No. Answer the  
15 question yes or no. He's asking you a yes-or-no 09:22:10  
16 question.

17 It's not that complicated. He's saying,  
18 here the question, as a corporate designee, is the  
19 answer yes or no. If you can't answer it as yes or  
20 no, state such. 09:22:23

21 THE DEPONENT: I think I'm confused by  
22 like what -- what does he mean by "Facebook knew"?

23 SPECIAL MASTER GARRIE: Counsel.

24 MR. LOESER: Mr. Cross, you're testifying  
25 on behalf of Facebook. So I'm asking you what 09:22:38

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1 Facebook knew. So what Facebook employees informed 09:22:43  
2 management and what management knew.

3 THE DEPONENT: There were people inside  
4 the company that knew that --

5 SPECIAL MASTER GARRIE: He gave the 09:23:00  
6 explanation of "knew." So the question is -- he  
7 asked you a question. He's told you what "knew"  
8 means.

9 Is the answer yes or no, or you don't  
10 know. But you can answer it. 09:23:08

11 THE DEPONENT: I mean, I -- I -- I don't  
12 know what "did Facebook knew" means, right. Did --  
13 did -- how did the -- the -- the company know.

14 SPECIAL MASTER GARRIE: Well, you're  
15 representing the company today as a designee of the 09:23:22  
16 company.

17 THE DEPONENT: Right.

18 SPECIAL MASTER GARRIE: Did the company  
19 have knowledge -- Counsel Loeser is asking did  
20 Facebook itself have knowledge or individuals 09:23:31  
21 therein have knowledge.

22 I think its confusion is around what you  
23 mean by "Facebook knew." So maybe you can explain  
24 to him, if that's not clear.

25 Q. (By Mr. Loeser) Facebook operates 09:23:44

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1 through its employees, right? 09:23:46

2 A. Facebook has employees, yes.

3 Q. And employees are assigned certain  
4 responsibilities as employees?

5 A. Employees tend to have job titles. 09:24:01

6 Q. Okay. And some employees were  
7 responsible for determining which apps and partners  
8 would continue to have access to friend data after  
9 Graph AP one version 2 was implemented, right?

10 A. There were people working on the platform 09:24:16  
11 partnership team who were responsible for the  
12 device integration partners and the integration  
13 partners.

14 Q. And the -- the knowledge that they  
15 developed was communicated to people with 09:24:28  
16 management level authority; isn't that right?

17 MR. BLUME: Objection. Form.

18 THE DEPONENT: There are emails with  
19 conversations on about what was going to happen and  
20 what could happen. And there were various levels 09:24:44  
21 of management on these email threads.

22 Q. (By Mr. Loeser) And we talked about some  
23 of those people. Eddie O'Neil, for example. KP,  
24 for example.

25 Those were people who were aware of which 09:24:56

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1 apps and partners would continue to have access to 09:24:58  
2 deprecated permissions after Graph API one -- API  
3 version 2 was implemented, right?

4 A. The integration -- so they were aware of  
5 the integration partners. And -- 09:25:13

6 SPECIAL MASTER GARRIE: The answer is  
7 yes. We looked at the emails. You can just answer  
8 the question asked. We all looked at the emails.

9 THE DEPONENT: Yes, we looked at emails.

10 SPECIAL MASTER GARRIE: So they knew -- 09:25:23

11 Q. (By Mr. Loeser) And we looked at an  
12 email --

13 SPECIAL MASTER GARRIE: -- right?

14 Keep going, Counsel.

15 Q. (By Mr. Loeser) We looked at an email as 09:25:30  
16 well in which Eddie O'Neil communicated with  
17 Mark Zuckerberg directly on this topic; is that  
18 right?

19 A. We looked at an email that Eddie sent to  
20 Mark which talked about the changes. But that 09:25:39  
21 email didn't contain anything about apps that would  
22 continue to have access.

23 Q. It refers to the privatization of APIs,  
24 right?

25 A. That email does use the term 09:25:53

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1 "privatization." 09:25:55

2 Q. And that was a term used to describe  
3 certain partners that would continue to have access  
4 to information that was otherwise deprecated on the  
5 new platform, right?

09:26:05

6 A. Privatization could be used to suggest an  
7 API that was no longer available to public  
8 developers.

9 Q. So Mr. Cross, in light of all of the  
10 materials we went through that show discussion of  
11 which partners would continue to have access to  
12 friends data after the implementation of Graph API  
13 version 2, it is true, is it not, that Facebook  
14 knew that certain apps and partners would continue  
15 to have access to friend data after the  
16 implementation of Graph API version 2, correct?

09:26:19

09:26:35

17 MR. BLUME: Objection. Form.

18 THE DEPONENT: There were people at  
19 Facebook who knew that there would be apps that  
20 continued to have access -- to some apps that had  
21 continued access to some information about friends  
22 after the public surface area apps had been  
23 migrated to API version 2.

09:26:53

24 Q. (By Mr. Loeser) And Facebook knew that  
25 some sensitive and strategic partners would be

09:27:09

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1 given continued access to user friend information 09:27:12  
2 after Graph API -- after Graph API version 2 was  
3 implemented, correct?

4 MR. BLUME: Objection. Form and scope.

5 THE DEPONENT: There were a number of 09:27:24  
6 integration partners and device integrations, and  
7 they were going to continue to have access to  
8 friend information in order to build Facebook  
9 replacement clients and other experiences after API  
10 version 2 had been adopted by the public developer 09:27:44  
11 platform.

12 Q. (By Mr. Loeser) And Facebook knew that  
13 at the time that Mr. Zuckerberg made his comments  
14 about the deprecation of friend permissions at the  
15 April 30th, 2014, F8, right? 09:27:59

16 THE DEPONENT: Sorry, Rob. Did you say  
17 something?

18 MR. BLUME: Objection to form.

19 THE DEPONENT: In April 2014, there were  
20 no plans to deprecate the device integration or 09:28:14  
21 integration partners that were already in  
22 existence.

23 Q. (By Mr. Loeser) And Facebook knew that  
24 at the time Mr. Zuckerberg made his statements,  
25 correct? 09:28:26

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A. The people in the platform partnerships team did not have plans to deprecate the integration partners or partner inte- -- or device integrations that already existed.

8           A.     So in -- when the announcements were made  
9       in 2014, the partnerships team had no plans to  
10      deprecate, as I'm aware, the device integration or                      09:28:55  
11      integration partnerships that existed to date.

16 And I would like you answer the question  
17 about what Facebook knew at the time Mr. Zuckerberg  
18 made those statements. And we went through a few  
19 minutes of explaining what I meant by what Facebook  
20 knew, so there's no confusion about that now. So 09:29:17  
21 if you could please answer my question.

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1 implemented, correct? 09:29:36

2 MR. BLUME: Objection. Form and scope.

3 SPECIAL MASTER GARRIE: Answer the

4 question.

5 Sorry. Go ahead, Counsel Blume. 09:29:39

6 MR. BLUME: I'm sorry. Objection to form

7 and scope to that question.

8 SPECIAL MASTER GARRIE: Noted for the

9 record. Overruled.

10 Answer the question. 09:29:47

11 THE DEPONENT: There were partners --

12 SPECIAL MASTER GARRIE: "No," or

13 "Correct," or "I don't know." Those are your

14 choices. Or "I cannot answer the question as

15 asked." However you want to say it, those are your 09:30:00

16 choices.

17 THE DEPONENT: I cannot answer the

18 question as asked because of the -- the definition

19 used in it around sensitive and strategic, which is

20 not established or defined. 09:30:14

21 SPECIAL MASTER GARRIE: Okay. Fair

22 enough.

23 There you go, Counselor.

24 Q. (By Mr. Loeser) And Facebook knew, at

25 the time Mr. Zuckerberg made -- gave his keynote 09:30:27

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1 address at the April 30th, 2014, F8, that app 09:30:32  
2 developers and partners with private APIs would be  
3 given continued access to user friend data after  
4 Graph API version 2 was implemented, correct?

5 A. Can you ask the top of that question 09:30:49  
6 again. It was quite a long one.

7 Q. Mr. Cross, Facebook knew that app  
8 developers and partners with private APIs would be  
9 given continued access to friend user data after  
10 Graph API version 2 was implemented, correct? 09:31:05

11 MR. BLUME: Objection. Form.

12 THE DEPONENT: Facebook knew that there  
13 were integration partners and device integrations  
14 that would continue to have access to friends  
15 information after the public API surface area had 09:31:20  
16 been migrated to version 2.

17 Q. (By Mr. Loeser) Mr. Zuckerberg said  
18 "we're going to make it so that now everyone has to  
19 choose to share their own data with an app  
20 themselves" right? 09:31:34

21 A. You're reading from his transcript. That  
22 seems to be what he said.

23 Q. And I'm -- I'm going to try and ask this  
24 question really clearly so you can answer very  
25 clearly. And this is a question for you that I 09:31:47

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1 would like you to explain to the jury. Okay. 09:31:50

2 Considering all the apps and partners

3 that would continue to have access to user friend

4 data after Graph API version 2 was implemented,

5 Facebook knew that Mr. Zuckerberg's statement that 09:32:03

6 "we're going to make it so that now everyone has to

7 choose to share their own data with an app

8 themselves" was an untrue statement, correct?

9 MR. BLUME: Objection to scope. Form.

10 Asked and answered. 09:32:18

11 THE DEPONENT: I -- I -- Mark is talking

12 about the public surface area of the platform, and

13 over time this statement that he made about that

14 became true. The friend permissions were

15 deprecated for all apps, for all people, in 09:32:37

16 March 2018.

17 Q. (By Mr. Loeser) And Mr. Zuckerberg did

18 not say in his statement that over the course of

19 several years we're going to make it so that

20 everyone has to choose to share their own data with 09:32:54

21 an app themselves, right?

22 MR. BLUME: Objection. Form.

23 THE DEPONENT: We've looked at the

24 transcript of what Mark said.

25 Q. (By Mr. Loeser) And he didn't say that, 09:33:04

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1 did he? 09:33:06

2 MR. BLUME: Objection. Form.

3 THE DEPONENT: He didn't say the words

4 that you just said.

5 MR. LOESER: We're going to go to a new 09:33:11

6 exhibit.

7 MR. BLUME: Is this a good time for a

8 break, Derek?

9 MR. LOESER: You know, if we could

10 just -- if it's okay, I wouldn't mind powering 09:33:58

11 through, if it's okay with Mr. Cross, because I

12 don't have a lot of time on -- on my end. And I'd

13 like to try and cover as much as we can this

14 evening. But really, it's up to Mr. Cross, if he

15 needs a couple minutes. 09:34:09

16 THE DEPONENT: Can I take a three-minute

17 quick bio break?

18 MR. LOESER: Sure. No problem. Make it

19 five.

20 THE DEPONENT: Thank you. 09:34:17

21 MR. LOESER: Yeah.

22 THE VIDEOGRAPHER: Okay. We're off the

23 record. It's 9:34 p.m.

24 (Recess taken.)

25 THE VIDEOGRAPHER: We're back on the 09:34:22

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1 record. It's 9:47 p.m. 09:47:24

2 MR. LOESER: Before we took a break,

3 Mr. Cross, I believe we introduced the next

4 exhibit, which we'll put up on the screen.

5 (Exhibit 343 was marked for 09:47:36

6 identification by the court reporter and is

7 attached hereto.)

8 MR. LOESER: And this is an email string,

9 a fairly long one. The top email is from

10 Steven Elia, dated 3/24/2016. "Subject: Re: 09:47:48

11 Changing App Settings // Friend Permissions."

12 Q. (By Mr. Loeser) Do you see that?

13 A. I do.

14 Can I -- can I make sure I've got my -- a

15 copy here so I can -- I have it. Okay. I have it. 09:48:09

16 Q. And -- and there's a number of

17 recipients --

18 A. Sorry. I -- I don't -- 343.

19 My 343 is a -- is the keynote video from

20 Mark. 09:48:22

21 Q. So let's see what number this is. This

22 would be the next exhibit after --

23 A. I just want to make sure --

24 343. Okay. Yeah, I have it. I have it.

25 Q. Okay. And so we're looking at the -- the 09:48:37

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1 "To" line and there's -- it's from Steven Elia. 09:48:39

2 Who is Steven Elia?

3 A. Steven Elia is an engineering manager on  
4 the Facebook platform team.

5 Q. Okay. And one of the recipients -- 09:48:50

6 there's some names on here like Eddie O'Neil and KP  
7 that were -- that we've already talked about.

8 There's another person on here, Johanna Peace.

9 Do you know who she is?

10 A. Johanna Peace was somebody who worked in 09:49:02  
11 the communications department.

12 Q. And so if we go to the end of this  
13 string, it is an email from Johanna Peace to

14 Eddie O'Neil, Monica Tsang, Amee Kamdar,  
15 Jonathan Coleman, Steve Elia and Shirine Sajjadi, 09:49:16  
16 dated March 24th, 2016.

17 Do you see that?

18 A. That's right.

19 Q. And Ms. Peace says, at the beginning of  
20 her email, "Hi all, You may have seen this article 09:49:33

21 in US Today which takes a pretty negative stance  
22 toward Login, partly based on a wrong assumption  
23 from looking at App Settings that friends can share  
24 all your info with apps."

25 Do you see that? 09:49:47

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1 A. I see that. 09:49:48

2 Q. And at the time was it, in fact,  
3 incorrect that friends could share all your info  
4 with apps?

5 MR. BLUME: Objection. Form. 09:49:59

6 THE DEPONENT: Sorry. Was it incorrect  
7 that friends -- like -- I just want to get that  
8 double negative right.

9 Q. (By Mr. Loeser) Well, let me -- let me  
10 clean that up. 09:50:11

11 So as we've spent a lot of time talking  
12 about, there were a number of apps and partners  
13 that were whitelisted and continued to have access  
14 to friend data as of March 24th, 2016; is that  
15 right? 09:50:23

16 A. There were apps that still had access  
17 to -- to friend permissions and some friend  
18 information in 2016, yes.

19 Q. Okay. So -- so at the time that this was  
20 written, there were -- friends could share all of 09:50:39  
21 their friends info with some apps, right?

22 A. There were some apps that still had  
23 access to the friend permissions and APIs that  
24 allowed the apps to access some friend information.

25 Q. Okay. And then in the second paragraph 09:50:57

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1 of her email, she writes "Matt (copied) has been 09:51:00  
2 working to push back against US Today's negative  
3 claims and we've been emphasizing that friends  
4 cannot actually share all your info with apps, but  
5 the editors are having a hard time believing us, 09:51:13  
6 since they noticed that App Settings appear to  
7 contradict this."

8 Do you see that?

9 A. I see that.

10 Q. And she then writes "Given that this has 09:51:28  
11 been a persistent issue confusing press and people,  
12 I wanted to raise a few questions."

13 Do you see that?

14 A. I see that.

15 Q. And in her second paragraph below that 09:51:38  
16 she writes, "In the meantime, Matt and I are  
17 looking for a way to explain to USAT why the App  
18 Settings appear this way, so I wanted to see what"  
19 the "group is comfortable saying."

20 And I want you to look at and could you 09:51:54  
21 read the next sentence that she writes.

22 A. She says "I know we have not been  
23 publicly forthcoming that we have whitelisted  
24 certain apps."

25 Q. And so at the time was it true that 09:52:06

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1 Facebook had not been publicly forthcoming with the 09:52:08  
2 fact that it had whitelisted certain apps?

3 MR. BLUME: Objection. Form and scope.

4 THE DEPONENT: It -- I can't answer -- I  
5 can't answer what Facebook -- all of Facebook's 09:52:22  
6 statements were about that. It's hard for me to  
7 answer that question.

8 But at the time there were still  
9 applications that -- that had access to some friend  
10 information. 09:52:36

11 Q. (By Mr. Loeser) And that hadn't been  
12 communicated publicly; is that right?

13 MR. BLUME: Objection. Form. Scope.

14 THE DEPONENT: I don't -- I -- I don't  
15 know if there had been -- if there had been 09:52:45  
16 communications about that or -- or not.

17 Q. (By Mr. Loeser) And then she writes "But  
18 could we say something like: 'Only a few apps have  
19 access to this information, for example, to provide  
20 a Facebook experience on platforms where there is 09:52:57  
21 no Facebook app.' I believe that's one of a few  
22 reasons apps are whitelisted, but can this group  
23 let me know thoughts / additional context?"

24 Do you see that?

25 A. I do see that. 09:53:11

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1 Q. And if we move up the string to an email 09:53:12  
2 from Reagan Williams to Eddie O'Neil and  
3 Johanna Peace, among others -- Johanna Peace -- she  
4 writes on March 24th, 2016, "I found there are  
5 approx 80 apps still accessing v1.0 of the API, 09:53:40  
6 with the largest bulk of them being from phone  
7 manufacturers & Apple, both of which we are under  
8 contract to continue supporting. Outside of these  
9 apps, nobody appears to have accessed v1.0 friends  
10 data edges in the last 30 days." 09:53:52

11 Do you see that?

12 A. I do see that.

13 Q. And then she also writes "However, I did  
14 uncover a few apps that were not part of our  
15 original Capability whitelists, but still 09:54:01  
16 maintained access to v1.0 (such as: Socialist), but  
17 I've confirmed" that "these apps are only accessing  
18 Page feeds and not friends data."

19 Do you see that?

20 A. I see that. 09:54:16

21 Q. And page feeds did communicate some  
22 friends data; isn't that right?

23 MR. BLUME: Objection. Form.

24 THE DEPONENT: Page feeds allowed apps to  
25 access the information about posts on a page, which 09:54:28

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1 may have included the people who commented or liked 09:54:33  
2 the posts on that page.

3 Q. (By Mr. Loeser) Okay. And then if we  
4 move up the string a bit, Johanna Peace says, on  
5 March 24, 2016, in her email to Steven Elia, 09:54:42  
6 Reagan Williams, Eddie O'Neil and others, "Thanks  
7 both. So given these findings, does the response I  
8 shared below in #2 seem true/fair to share with a  
9 reporter? 'Only a few apps have access to this  
10 information, for example, to provide a Facebook 09:55:00  
11 experience on platforms where there is no Facebook  
12 app.'"

13 Do you see that?

14 A. I see that.

15 Q. And then if you move up the string above 09:55:11  
16 that, KP says, on March 24th, 2016 -- why don't you  
17 read what -- what KP said.

18 A. So what's there is, "In the spirit of  
19 fairness," I would not say anything around the  
20 lines that 'only a few apps have access to this 09:55:34  
21 information.' Instead I would suggest that this  
22 option under the App Settings is an artifact of  
23 what used to be true and enforce our messaging that  
24 apps can no longer access friend\_\*permissions."

25 Q. Now, this statement -- this messaging 09:55:49

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1       that apps can no longer access friend\_\*permissions,                   09:55:53  
2       that wasn't actually true at the time that he wrote  
3       that, right?

4               MR. BLUME:  Objection.  Form.  And scope.

5               THE DEPONENT:  In 2016, there were some                   09:56:06  
6       apps that still had access to -- to friends  
7       information and friend permissions.

8               Q.     (By Mr. Loeser)  Okay.  So this  
9       statement, no apps can no longer access friend  
10      permissions, is not a true statement, is it -- or                   09:56:20  
11      let me put it a different way.

12              This statements, no acts -- no -- this  
13      statement that apps can no longer access friend  
14      permissions is not an accurate statement; is that  
15      right?   09:56:31

16              MR. BLUME:  Objection.  Form.  Scope.

17              THE DEPONENT:  In 2016, there were apps  
18      that still had access to some friend permissions  
19      and information.

20              Q.     (By Mr. Loeser)  Mr. Cross, I -- I'm               09:56:43  
21      hoping to avoid a long time getting a yes or no to  
22      a yes-or-no question here.

23              So if -- if we could read the question  
24      back, and if you could answer the question yes or  
25      no, I'd appreciate it.   09:56:54

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1 SPECIAL MASTER GARRIE: Instructing the 09:57:00  
2 witness to answer the question yes or no.

3 THE DEPONENT: Can you read the question  
4 back for me, please.

5 (Record read as follows: 09:57:12  
6 "QUESTION: this statements, no  
7 acts -- no -- this statement that  
8 apps can no longer access friend  
9 permissions is not an accurate  
10 statement; is that right?") 09:57:12

11 THE DEPONENT: Where -- where is the  
12 statement -- where is the statement that -- sorry.

13 MR. LOESER: And I'm sorry, Rebecca, let  
14 me -- I -- it's been a long day and I'm sure it's  
15 no fun to try and recreate my speaking as quickly 09:57:38  
16 as I am.

17 So let me ask the question again. And  
18 Mr. Cross, if you could please answer it yes or  
19 not, I'd appreciate it.

20 Q. (By Mr. Loeser) The question is, the 09:57:47  
21 statement in the email from KP on March 24th, 2016,  
22 that apps can no longer access friend permissions  
23 is not an accurate statement, is it?

24 MR. BLUME: Objection. Form. Scope.

25 SPECIAL MASTER GARRIE: Yes or no. 09:58:08

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1 THE DEPONENT: There were some apps that 09:58:17  
2 could access --

3 SPECIAL MASTER GARRIE: I'm instructing  
4 the witness to answer the question yes or no.

5 MR. BLUME: Mr. Garrie, if there's no yes 09:58:26  
6 or no, can he answer that way as well?

7 SPECIAL MASTER GARRIE: If he -- if he's  
8 not able to answer the question, he can say "I'm  
9 not able to answer the question" certainly. But  
10 either "Yes," "No," or "I can't answer the 09:58:34  
11 question."

12 Any time you can't answer a question, say  
13 "I can't answer." But he's asking you yes or no,  
14 so -- or you can't answer.

15 THE DEPONENT: It -- it doesn't make -- 09:59:00  
16 it doesn't make a statement here about like all  
17 apps or any apps or some apps. It just says apps.  
18 And at this point, you know, the vast majority of  
19 apps could no longer access friend permissions.

20 So it doesn't -- it doesn't -- the 09:59:14  
21 statement isn't qualified enough for me to give a  
22 yes-or-no answer.

23 SPECIAL MASTER GARRIE: Okay.

24 Q. (By Mr. Loeser) Mr. Cross -- sorry,  
25 Special Master Garrie. 09:59:25

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1 SPECIAL MASTER GARRIE: No. Go ahead, 09:59:27

2 Counsel.

3 Q. (By Mr. Loeser) On March 14th, 2016, it

4 was not true that apps can no longer access friend

5 permissions, right? 09:59:38

6 MR. BLUME: Asked and answered. Scope.

7 And form.

8 THE DEPONENT: There were some apps in

9 2016 that could still access friend permissions.

10 Q. (By Mr. Loeser) And that is not what KP 10:00:01

11 was indicating Ms. Peace should report to

12 USA Today; is that right?

13 MR. BLUME: Objection. Form. Scope.

14 THE DEPONENT: I can't -- I can't confirm

15 what KP's statement of intent was here. This is 10:00:16

16 him writing not the -- this is him writing.

17 Q. (By Mr. Loeser) So Mr. Cross, he's

18 responding to an email in which Ms. Peace is asking

19 if she should say only a few apps have access to

20 this information, is he not? 10:00:35

21 MR. BLUME: Objection. Form. Scope.

22 Argumentative.

23 THE DEPONENT: He's certainly replying to

24 an email from Johanna.

25 Q. (By Mr. Loeser) Okay. And does he not 10:00:47

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1 say "In the spirit of fairness I would not 10:00:48

2 say anything around the lines that 'only a few apps  
3 have access to this information'?"

4 A. That's what's on the page.

5 Q. And does he not say that he would 10:00:59

6 "suggest that this option under the App Settings is  
7 an artifact of what used to be true and enforce our  
8 messaging that apps can no longer access  
9 friend\_\*permissions"?

10 A. Again, those words are written on the 10:01:14

11 page.

12 MR. LOESER: We can go to the next  
13 exhibit. And I think this will be the last thing  
14 that we do today to abide by your request that we  
15 stop at the -- the late hour that it is now for 10:01:34  
16 you.

17 THE DEPONENT: I'd appreciate that.

18 Thank you.

19 (Exhibit 344 was marked for  
20 identification by the court reporter and is 10:01:38  
21 attached hereto.)

22 MR. LOESER: So this as -- okay. This  
23 will be marked Exhibit 344.

24 Q. (By Mr. Loeser) And Mr. Cross, I'm  
25 showing you what's been marked as Exhibit 344. And 10:02:21

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1 it's quite a long email string and -- and not to 10:02:23  
2 worry because I don't have questions about the  
3 whole thing.

4 I will note for the record that a number  
5 of the pages are -- nothing can be read because of 10:02:29  
6 the redactions that are on the pages.

7 And -- but if we go to the top email in  
8 the thread, it's an email from Johanna Peace  
9 to Joshua Smith, yourself, and Eddie O'Neil.

10 Do you see that? 10:02:51

11 A. I see that.

12 Q. And the date on the email is  
13 September 11, 2015, and the subject is "Re:  
14 [a/c priv] Re: WSJ story on API migration."

15 Do you see that? 10:03:14

16 A. I see that.

17 Q. And is there a lawyer among the -- to  
18 your knowledge, or any of the persons from or to  
19 whom this email sent, a lawyer?

20 THE DEPONENT: Sorry. Say that -- say 10:03:35  
21 that again, Rob. You're --

22 MR. BLUME: Sorry. Objection. Scope.

23 Q. (By Mr. Loeser) Yeah. The recipients  
24 are Joshua Smith.

25 Do you know who he is? 10:03:42

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1 Q. And so this appears to be information 10:04:54  
2 that -- that she was developing with regard to a  
3 Wall Street Journal story on API migration, right?

4 A. That's correct.

5 Q. And API migration is a reference to the 10:05:04  
6 changes to the APIs with the new platform?

7 A. That's correct.

8 Q. Okay. And so in -- in her email, she  
9 presents the information that it appears that she  
10 had prepared for the Wall Street Journal. 10:05:20

11 She states "Under API 2.0, app developers  
12 can get the following info about a user who logs in  
13 with their Facebook account. Some caveats apply."

14 Do you see that?

15 A. I do. 10:05:33

16 Q. And she has a couple different  
17 categories. One is, "This is data that used to be  
18 available by default and now can only be accessed  
19 with Facebook's approval."

20 Do you see that? 10:05:45

21 A. I see that.

22 Q. And then she has a heading that says  
23 "This data used to be available through Facebook's  
24 API and is no longer available, period. This  
25 includes 30 different data points about your 10:05:56

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1 friends." 10:05:58

2 A. I see that.

3 Q. Now, if you look at the bolded text that

4 I just read, at the time that statement -- at the

5 time this email was sent on September 11th, 2015, 10:06:13

6 was it true that this data used to be available

7 through Facebook's APIs and is no longer available,

8 period?

9 A. No, this information was still available

10 to some -- some whitelisted applications at the 10:06:27

11 time.

12 Q. So if we go to page 10 in this string,

13 which is further back in time, there's an earlier

14 version of the information that Ms. Peace had put

15 together. And this is dated September 11th, 2015, 10:06:50

16 but earlier in that day. This is at 12:39, and the

17 other message we just went through was at 2:10.

18 We see that same heading towards the

19 bottom of the page --

20 A. I'm sorry. Could you give me the Bates 10:07:04

21 number of the page you're looking at?

22 Q. Yeah. Yeah.

23 FB-CA-MDL-01169164.

24 A. Got it. Thank you.

25 Q. And you'll see the same bolded heading, 10:07:16

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1 "This data used to be available through Facebook's 10:07:18  
2 API and is no longer available. This includes 30  
3 different data points about your friends." [as  
4 read]

5 And -- and there's a -- appears to be a 10:07:25  
6 comment and the initials for the comments are SC.

7 Is that you?

8 A. I think that would have been me.

9 Q. Okay. And you write "we may need to be  
10 careful about the finality here. There are still 10:07:37  
11 apps on v1 (extended deprecation window) and we may  
12 have apps under contract which retain access to  
13 this information. Don't know if we need to explain  
14 that in this context."

15 Do you see that? 10:07:55

16 A. I see that.

17 Q. So that's consistent with the answer you  
18 just gave about that bolded heading not being  
19 accurate at the time, right?

20 MR. BLUME: Objection. Form. 10:08:06

21 THE DEPONENT: It's consistent with my  
22 previous statement that at this time there were  
23 still apps that had access to some friends  
24 information via the API.

25 Q. (By Mr. Loeser) And you write "Don't 10:08:24

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1 know if we need to explain that in this context." 10:08:24

2 And it is true, is it not, that -- that

3 that additional information that you indicate in

4 that parenthetical was not communicated to the

5 Wall Street Journal in connection with this story? 10:08:39

6 MR. BLUME: Objection. Form. And scope.

7 THE DEPONENT: I can't say for certain

8 what information was shared with -- with the

9 Wall Street Journal.

10 Q. (By Mr. Loeser) Now, in that same 10:09:05

11 comment from you, there is another comment from JP,

12 and that -- those are the initials of

13 Johanna Peace, right?

14 A. That's correct.

15 Q. And do you see that she says "Don't think 10:09:19

16 we need to go into that detail here; we can always

17 clarify if asked."

18 Do you see that?

19 A. I see that.

20 Q. And then you respond to that with another 10:09:27

21 comment, and it just says, "[SC: sgtm!]"

22 What does "sgtm" mean?

23 A. It sounds good to me.

24 MR. LOESER: I think we can conclude for

25 the day, Mr. Cross. 10:09:44

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1 And, again, I do want to -- I do 10:09:45

2 appreciate the time you've spent.

3 And we can go off the record.

4 THE VIDEOGRAPHER: Off the record. It's

5 10:09 p.m. 10:09:53

6 (TIME NOTED: 10:09 p.m.)

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1 I, Rebecca L. Romano, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:


4 That the foregoing proceedings were taken  
5 before me remotely at the time and place herein set  
6 forth; that any deponents in the foregoing  
7 proceedings, prior to testifying, were administered  
8 an oath; that a record of the proceedings was made  
9 by me using machine shorthand which was thereafter  
10 transcribed under my direction; that the foregoing  
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the  
13 original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [ ] was [X] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21  
22 Dated: May 17, 2022

23   
24

Rebecca L. Romano, RPR, CCR

25 CSR. No 12546

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IN RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION  
SIMON CROSS, VOLUME II, JOB NO. 5219195

E R R A T A S H E E T

PAGE 225 LINE 9 CHANGE [REDACTED]

REASON transcription error

PAGE 225 LINE 13 CHANGE [REDACTED]

REASON transcription error

PAGE 225 LINE 14 CHANGE [REDACTED]

REASON transcription error

PAGE 225 LINE 19 CHANGE [REDACTED]

transcription error

REASON transcription error

PAGE 226 LINE 2 CHANGE [REDACTED]

REASON transcription error

PAGE 226 LINE 3 CHANGE [REDACTED]

REASON transcription error



1st July 2022

WITNESS

Date

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IN RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION  
SIMON CROSS, VOLUME II, JOB NO. 5219195

## E R R A T A S H E E T

PAGE 226 LINE 19 CHANGE [REDACTED]

REASON transcription error

PAGE 235 LINE 10 CHANGE "a friend" to "the friend"

REASON misspoke

PAGE 237 LINE 11 CHANGE "that is" to "there is"

REASON transcription error

PAGE 241 LINE 5 CHANGE "integrated" to "integration"

REASON transcription error

PAGE 243 LINE 18 CHANGE "Koukouzelis" to "Koumouzelis"

REASON transcription error

PAGE 255 LINE 11 CHANGE "I got to go" to "Again, to go"

REASON transcription error



1st July 2022

WITNESS

Date

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IN RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION  
SIMON CROSS, VOLUME II, JOB NO. 5219195

## E R R A T A S H E E T

PAGE 256 LINE 11 CHANGE "Koukouzelis" to "Koumouzelis"

REASON transcription error

PAGE 271 LINE 2 CHANGE "construes" to "constitutes"

REASON misspoke

PAGE 284 LINE 22 CHANGE "in" to "than"

REASON misspoke

PAGE 287 LINE 2 CHANGE "recall specific" to "recall a specific"

REASON transcription error

PAGE 298 LINE 9 CHANGE "ultimately" to "what ultimately"

REASON misspoke

PAGE 306 LINE 10 CHANGE "usual" to "unusual"

REASON transcription error

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IN RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION  
SIMON CROSS, VOLUME II, JOB NO. 5219195

E R R A T A S H E E T

PAGE 319 LINE 15 CHANGE "continue" to "continued"

REASON transcription error

PAGE 321 LINE 19 CHANGE "able" to "were not able"

REASON misspoke

PAGE 325 LINE 4 CHANGE ""sure. It" to "sure it"

REASON transcription error

PAGE 325 LINE 6 CHANGE "of the company" to "at the company"

REASON transcription error

PAGE 328 LINE 23 CHANGE "what platform" to "that platform"

REASON misspoke

PAGE 342 LINE 22 CHANGE "veracity" to "capacity"

REASON transcription error



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IN RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION  
SIMON CROSS, VOLUME II, JOB NO. 5219195

## E R R A T A S H E E T

PAGE 354 LINE 6 CHANGE "state" to "stage"

REASON transcription error

PAGE 370 LINE 19 CHANGE "accesses" to "axes"

REASON transcription error

PAGE 394 LINE 23 CHANGE "developers" to "developer"

REASON transcription error

PAGE 408 LINE 3 CHANGE "super-strategetic" to "super-strategic"

REASON transcription error

PAGE 408 LINE 11 CHANGE "super-strategetic" to "super-strategic"

REASON transcription error

PAGE 423 LINE 9 CHANGE "there was" to "there was no"

REASON misspoke

1st July 2022

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IN RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION  
SIMON CROSS, VOLUME II, JOB NO. 5219195

## E R R A T A S H E E T

PAGE 432 LINE 5 CHANGE "continue and changing" to "continue"

REASON misspoke

PAGE 443 LINE 10 CHANGE "develop" to "developer"

REASON transcription error

PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

REASON \_\_\_\_\_

PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

REASON \_\_\_\_\_

PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

REASON \_\_\_\_\_

PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

REASON \_\_\_\_\_



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[&amp; - 2019]

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211:5 212:5 213:5	397:7	224:3,20,20	<b>2013.xlsx.</b> 327:20
295:22 313:25	<b>11</b> 217:18 243:3	225:12,18 228:7	<b>2014</b> 216:11,16
317:19 319:11,21	293:24 294:3	229:3,9 230:4	246:1 255:13
322:21 399:7	484:13	232:8 253:22	329:13 348:2
416:24 417:3	<b>11th</b> 347:10	256:9 257:1,17	394:4 396:9,15
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<b>000041190</b> 216:8	294:23 295:19	360:3 364:8 399:2	419:25 420:1
<b>0000412003</b> 216:9	409:25 493:5	403:18 409:21	426:13 433:23
<b>00200698</b> 333:4	<b>12/10/2013</b> 350:6	420:3 423:20	436:10 438:14,15
<b>00202269</b> 216:18	<b>12/5/13</b> 215:19	425:20 426:8,19	438:23 441:5
<b>01169155</b> 217:6	216:7 362:18	432:11,21 438:19	445:20,22 446:16
<b>01169161</b> 485:6	363:21	438:21 443:4,6,14	449:5 457:16
<b>01169164</b> 487:23	<b>1201</b> 210:11	443:22 445:4	459:3 466:15,19
<b>01169173</b> 217:7	<b>12546</b> 208:21	447:15 448:1	467:7,9 469:1
<b>01462921</b> 216:23	492:25	454:8,23 455:12	<b>2015</b> 248:8 284:24
216:24	<b>12:39</b> 487:16	455:13,21 456:13	304:22 327:6
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[today - unclear]

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[working - zuckerberg's]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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